United Nations A/61/508

General Assembly

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**Sixty-first session**
Agenda item 8
**General debate**

## Letter dated 6 October 2006 from the Permanent Representative of Albania to the United Nations addressed to the President of the General Assembly

I have the honour to enclose herewith the text of the written statement of the delegation of the Republic of Albania (see annex) in exercise of the right of reply to the written statement made by the delegation of the Republic of Serbia (A/61/375).

I should be grateful if the present letter and its annex were circulated as a document of the General Assembly under agenda item 8.

(*Signed*) Adrian **Neritani**
Ambassador
Permanent Representative

06-56392 (E) 111006

## Annex to the letter dated 6 October 2006 from the Permanent Representative of Albania to the United Nations addressed to the President of the General Assembly

Albania has been actively playing a very helpful and moderating role in the region and especially with regard to Kosovo. This long-standing position has continuously generated support of the efforts of all relevant international actors and contributes towards the solution of the issue of Kosovo. The same actors have recognized and explicitly expressed their gratitude for the constructive approach and contribution of Albania towards maintaining and securing peace and stability in the region.

Albania strongly believes that the situation on the ground in Kosovo would be better served if all interested parties offer their continuous support for the work of the Special Envoy of the Secretary-General, President Marti Ahtisaari, and his mandate. The final status of Kosovo and the long-term stability in the region is not helped by unnecessary and unproductive rhetoric or other unilateral acts, but rather by respecting and abiding by the Contact Group Guiding Principles, fully grounded in the reality in Kosovo today and acceptable to the people of Kosovo.

United Nations

A/61/509 S/2006/799

General Assembly
Security Council

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General Assembly
Sixty-first session
Agenda item 156
**Extension of the terms of the ad litem judges of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of the International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994**

Security Council
Sixty-first year

## Identical letters dated 2 October 2006 from the Secretary-General to the President of the General Assembly and the President of the Security Council

I have the honour to transmit a letter dated 23 August 2006 from Judge Erik Møse, President of the International Criminal Tribunal for Rwanda, that directly relates to the ability of the International Tribunal to implement its completion strategy (see annex).

In his letter, the President recalls that the terms of office of the 18 ad litem judges will come to an end on 24 June 2007. The President has requested that the terms of office of all 18 ad litem judges be extended until 31 December 2008, which is the date when trials at the International Tribunal are, in accordance with its completion strategy, expected to be completed.

You will recall that the Security Council, by its resolution 1684 (2006) of 13 June 2006, and the General Assembly, by its decision 60/422 of 28 June 2006, extended the terms of the 11 permanent judges serving at the International Tribunal until 31 December 2008.

As far as the ad litem judges are concerned, you will also recall that the General Assembly, by its decision 57/414 C of 25 June 2003, and in accordance with article 12 ter, paragraph 1 (d), of the statute of the International Tribunal, elected from a list of candidates approved by the Security Council the following 18 judges to a four-year term of office beginning on 25 June 2003: Aydin Sefa Akay (Turkey); Florence Rita Arrey (Cameroon); Solomy Balungi Bossa (Uganda); Robert Fremr

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(Czech Republic); Taghrid Hikmet (Jordan); Karin Hökborg (Sweden); Vagn Joensen (Denmark); Gberdao Gustave Kam (Burkina Faso); Flavia Lattanzi (Italy); Kenneth Machin (United Kingdom of Great Britain and Northern Ireland); Joseph Edward Chiondo Masanche (United Republic of Tanzania); Tan Sri Dato' Hj. Mohd. Azmi Dato' Hj. Kamaruddin (Malaysia); Lee Gacuiga Muthoga (Kenya); Seon Ki Park (Republic of Korea); Mparany Mamy Richard Rajohnson (Madagascar); Emile Francis Short (Ghana); Albertus Henricus Joannes Swart (Netherlands) and Aura E. Guerra de Villalaz (Panama).

Of these 18 ad litem judges, I have to date appointed a total of 10 to serve on trials at the International Tribunal, nine of whom are, in accordance with the statute of the International Tribunal, currently serving on either multi-accused or single-accused trials.

The President has informed me that he estimates that the multi-accused trials, in which six ad litem judges are serving, will continue beyond 24 June 2007, as follows:

(a) The *Butare* trial, in which Judge Bossa is sitting. Judge Bossa has been serving in trials at the International Tribunal since 28 August 2003. The Security Council, by its resolution 1705 (2006) of 29 August 2006, and the General Assembly, by its decision 60/422 B, decided, notwithstanding article 12 ter of the statute of the International Tribunal and notwithstanding that the elected term of Judge Bossa as an ad litem judge of the International Tribunal will end on 24 June 2007, to authorize her, effective 28 August 2006, to continue to serve as a judge in the *Butare* case until its completion;

(b) The *Government* trial, in which Judge Muthoga and Judge Short are sitting. Judge Muthoga and Judge Short have been serving in trials at the International Tribunal since 27 October 2003 and 22 March 2004, respectively;

(c) The *Karemera et al.* trial, in which Judge Short and Judge Kam are sitting. Judge Kam has been serving in trials at the International Tribunal since 5 September 2004;

(d) The *Military II* trial, in which Judge Hikmet and Judge Park are sitting, both of whom have been serving at the International Tribunal since 13 September 2004.

In addition, there are two single-accused trials which the President has indicated may only be completed after 24 June 2007: the *Nchamihigo* trial to which Judge Kam and Judge Fremr were appointed and the *Bikindi* trial to which Judge Fremr and Judge Arrey were appointed. Judge Arrey has been serving at the International Tribunal since 27 October 2003 and Judge Fremr since 18 September 2006.

The other two ad litem judges who have been appointed to the International Tribunal are Judge Hökborg, who has served at the International Tribunal since 13 September 2004 and who will complete the *Seromba* trial on which she is sitting, before 24 June 2007, and Judge Lattanzi, who previously served at the International Tribunal between 27 October 2003 and 17 September 2006.

Furthermore, the President of the International Tribunal does not wish the appointment of ad litem judges to new trials that will continue beyond 24 June 2007 to be delayed until after the election of new ad litem judges. He therefore wishes to

be able to request the appointment of ad litem judges to new trials as soon as possible. The President indicates that this may include, depending on their expertise and availability, not only ad litem judges who have previously been appointed but also ad litem judges who have not yet been appointed to serve at the International Tribunal. He has accordingly requested that the terms of the remaining eight ad litem judges also be extended until 31 December 2008.

These judges are: Aydin Sefa Akay (Turkey), Vagn Joensen (Denmark), Tan Sri Dato' Hj. Mohd. Azmi Dato' Hj. Kamaruddin (Malaysia), Kenneth Machin (United Kingdom), Joseph Edward Chiondo Masanche (United Republic of Tanzania), Mparany Mamy Richard Rajohnson (Madagascar), Albertus Henricus Joannes Swart (Netherlands) and Aura Emérita Guerra de Villaloz (Panama).

The statute of the International Tribunal does not provide for extending the term of office of the ad litem judges. In the absence of such a provision, the approval of the Security Council, as the parent organ of the International Tribunal, and of the General Assembly, as the organ that elects its judges, would be needed in order to extend the term of office of all the ad litem judges of the International Tribunal elected on 25 June 2003.

I would request that the Security Council and the General Assembly, in the light of the explanations provided above, grant such approval.

Furthermore, the approval of the Security Council and the General Assembly is needed to allow Judges Bossa, Arrey, Lattanzi, Muthoga, Short, Hökborg, Hikmet, Kam and Park to serve in the International Tribunal beyond the cumulative period of service provided for under article 12 ter, paragraph 2, of the statute of the International Tribunal and until 31 December 2008.

Article 12 ter, paragraph 2, provides that:

> During their term, ad litem judges will be appointed by the Secretary-General, upon request of the President of the International Tribunal for Rwanda, to serve in the Trial Chambers for one or more trials, for a cumulative period of up to, but not including, three years.

I would also request that the Security Council and the General Assembly grant such approval.

The President is of the view that early action is needed in order to provide the International Tribunal with the continuity, stability and certainty necessary for the efficient and effective planning of trials. I would therefore appreciate the Security Council and the General Assembly taking this matter up at their earliest opportunity.

As far as the financial consequences of the President's proposal are concerned, ad litem judges will only have their terms extended until the date when the completion of trials is foreseen. The Security Council and the General Assembly would then, in 2008, be able to review the status of the International Tribunal's ad litem judges.

Finally, in accordance with General Assembly resolution 57/289, should the cumulative period of service of ad litem judges amount to three years or more, this will not result in any change in their entitlements and benefits and, in particular, will not give rise to any additional entitlements or benefits other than those that already

exist and which will, in such an eventuality, be extended pro rata by virtue of the extension of their service.

I would be grateful if you have the present letter and its annex circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Kofi A. **Annan**

Annex

## Letter dated 23 August 2006 from the President of the International Criminal Tribunal for Rwanda to the Secretary-General

As the term of office of the ICTR ad litem judges expires in June 2007, elections would have to take place at the end of 2006 or early 2007. The purpose of the present letter is to request an extension until the end of 2008 of the term of office of these judges in order to respect the deadline for the completion strategy.

You will recall that on 13 June 2006, the Security Council, pursuant to resolution 1684 (2006), extended the term of office for 11 permanent ICTR judges until the end of 2008. On 28 June 2006, the General Assembly also endorsed your recommendation to extend their term. The reason for this was to ensure the continuity, stability and certainty necessary for the efficient and effective planning of trials and to enable ICTR to meet the 2008 deadline set out in Security Council resolution 1503 (2003). As the term of office of the permanent judges had been set to expire in May 2007, but with trials expected to continue well beyond that time, an extension of the term of permanent judges for about 19 months was clearly preferable to elections for another four-year period commencing May 2007. The same argument is valid in relation to the extension of the term of office of ad litem judges.

On 25 June 2003, the General Assembly elected 18 ad litem judges to ICTR. According to article 12 ter, paragraph 1 (e), of the ICTR statute, ad litem judges shall be elected for a term of four years. They shall not be eligible for re-election. Their term of office expires on 24 June 2007.

Of the 18 ad litem judges, 10 have been appointed by the Secretary-General: Judge Solomy Balungi Bossa (Uganda), appointed with effect from 28 August 2003; Judges Flavia Lattanzi (Italy), Lee Gacuiga Muthoga (Kenya) and Florence Rita Arrey (Cameroon), appointed with effect from 27 October 2003; Judge Emile Francis Short (Ghana), appointed with effect from 22 March 2004; Judges Karin Hökborg (Sweden), Taghrid Hikmet (Jordan), Seon Ki Park (Republic of Korea) and Gberdao Gustave Kam (Burkina Faso), appointed with effect from 13 September 2004; and Judge Robert Fremr (Czech Republic), appointed with effect from September 2006 (replacing Judge Lattanzi).

Six of these judges are engaged in ongoing multi-accused trials. Judge Bossa is sitting in the voluminous *Butare* case (six accused); Judges Muthoga and Short are hearing the *Government* case (four accused); and Judges Hikmet and Park form part of the bench in the *Military II* trial (four accused). These three trials are expected to be completed in 2007. Judges Kam and Short are sitting in the *Karemera et al.* case (three accused), which, having resumed de novo in September 2005, is expected to conclude in 2008.

There is a need to dispense with the three-year period stipulated in article 12 ter, paragraph 2, of the statute. This is for two main reasons. First, with regard to the six judges mentioned above, they have to complete the trials in which they are currently involved. Otherwise, the cases would have to start de novo when the three-year period ends.

An illustration is Judge Bossa, whose three-year period expires on 28 August 2006, whereas the *Butare* trial will continue into 2007.

Second, it may be necessary to use serving ad litem judges in other trials, as they have acquired significant institutional knowledge.

As soon as trials are completed and courtroom space is available, there will be a need to assign the current ad litem judges to new single-accused cases which will continue beyond June 2007. For instance, Judge Arrey and Judge Fremr have recently been appointed to sit in a new trial which commences in September 2006. It is not a viable option to postpone the commencement of new single-accused trials until after June 2007. Such a course would result in loss of valuable time and make it impossible to respect the deadline set out in resolution 1503 (2003).

As with the permanent judges, it is clearly preferable to extend the term of office of the serving nine ad litem judges for 19 months, from May 2007 until December 2008, instead of proceeding to re-election for four years (as was done for ICTY, following the adoption of Security Council resolution 1597 (2005)). Moreover, it is uncertain whether all of them would be re-elected if the ICTR statute is amended in order to allow for re-election of ad litem judges. In the worst case scenario, this could lead to trials having to commence de novo with new judges. A prolongation by the Security Council of the term of individual judges who were not re-elected would only relate to part-heard cases and not to other judicial activities, and hence lead to underutilization of available judicial resources.

There may be a need to replace an ad litem judge once he or she has completed a trial after June 2007. The term of the remaining eight ad litem judges who were elected by the General Assembly in 2003, but who have not yet been appointed to serve at the International Tribunal, should therefore also be extended. These judges are Aydin Sefa Akay (Turkey) Vagn Joensen (Denmark), Tan Sri Dato' Hj. Mohd. Azmi Dato' Hj. Kamaruddin (Malaysia), Kenneth Machin (United Kingdom of Great Britain and Northern Ireland), Joseph Edward Chiondo Masanche (United Republic of Tanzania), Mparany Mamy Richard Rajohnson (Madagascar), Albertus Henricus Joannes Swart (Netherlands) and Aura Emérita Guerra de Villalaz (Panama).

It would be appreciated if you would transmit the present letter to the Presidents of the Security Council and the General Assembly for their consideration and necessary action, with a view to extending the term of all 18 ICTR ad litem judges until the end of 2008.

(*Signed*) Erik **Møse**
President

United Nations A/61/510

General Assembly

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**Sixty-first session**
Agenda item 153
**Requests for observer status in the General Assembly**

## Letter dated 9 October 2006 from the Permanent Representative of the Philippines to the United Nations addressed to the Secretary-General

I have the honour to request that the granting of observer status for the Association of Southeast Asian Nations (ASEAN) be considered under item 153, "Requests for observer status in the General Assembly", of the agenda of the sixty-first session of the General Assembly.

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum (annex I) in support of the above request and a related draft resolution (annex II) are attached.

I have the honour to further request that the present letter and its annexes be circulated as a document of the General Assembly.

(*Signed*) Lauro L. **Baja, Jr.**
Ambassador and Permanent Representative
Chairman, ASEAN New York Committee

06-56375 (E) 121006

## Annex I

## Explanatory memorandum

### Establishment

1. The Association of Southeast Asian Nations or ASEAN was established on 8 August 1967 in Bangkok by the five original member countries, namely, Indonesia, Malaysia, the Philippines, Singapore and Thailand. Brunei Darussalam joined on 8 January 1984, Viet Nam on 28 July 1995, the Lao People's Democratic Republic and Myanmar on 23 July 1997, and Cambodia on 30 April 1999.

2. The ASEAN region has a population of about 500 million, a total area of 4.5 million square kilometres, a combined gross domestic product of almost US$ 700 billion, and total trade of about US$ 850 billion.

### Objectives

3. The ASEAN Declaration states that the aims and purposes of the Association are: (a) to accelerate economic growth, social progress and cultural development in the region and (b) to promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries in the region and adherence to the principles of the Charter of the United Nations.

4. The ASEAN Vision 2020, adopted by the ASEAN leaders on the thirtieth anniversary of ASEAN, agreed on a shared vision of ASEAN as a concert of south-east Asian nations, outward looking, living in peace, stability and prosperity, bonded together in partnership in dynamic development and in a community of caring societies.

5. In the 2003 Declaration of Bali Concord II, ASEAN leaders resolved that an ASEAN Community should be established comprising three pillars, namely, the ASEAN Security Community, the ASEAN Economic Community and the ASEAN Sociocultural Community.

### Fundamental principles

6. ASEAN member countries have adopted the following fundamental principles in their relations with one another, as contained in the Treaty of Amity and Cooperation in Southeast Asia:

- Mutual respect for the independence, sovereignty, equality, territorial integrity and national identity of all nations
- The right of every State to lead its national existence free from external interference, subversion or coercion
- Non-interference in the internal affairs of one another
- Settlement of differences or disputes in a peaceful manner
- Renunciation of the threat or use of force
- Effective cooperation among themselves.

**Documents registered with the United Nations**

7. ASEAN has registered the following documents with the United Nations, namely, the ASEAN Declaration (1967), the Treaty of Amity and Cooperation in Southeast Asia — TAC (1976), and the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone — SEANWFZ (1997).

**External relations**

8. The ASEAN Vision 2020 affirmed an outward-looking ASEAN playing a pivotal role in the international community and advancing ASEAN's common interests.

9. ASEAN engages with key players in the Asia-Pacific region that have an impact on peace and security through the ASEAN Regional Forum (ARF) in order to contribute to the maintenance of regional and international peace and security. Established in 1994, ARF, as the primary forum on peace and security in the Asia-Pacific region, continues to help promote confidence-building and address major international and regional security issues covering both traditional and non-traditional security challenges. ARF is currently moving towards preventive diplomacy to undertake a more proactive approach in conflict prevention and conflict resolution.

10. Building on the Joint Statement on East Asia Cooperation of 1999, cooperation between the south-east and north-east Asian countries has accelerated with the holding of an annual summit among the leaders of ASEAN, China, Japan and the Republic of Korea within the ASEAN Plus Three process. ASEAN Plus Three relations continue to expand and deepen in the areas of security dialogue and cooperation, transnational crime, trade and investment, environment, finance and monetary, agriculture and forestry, energy, tourism, health, labour, culture and the arts, science and technology, information and communication technology, social welfare and development, youth, and rural development and poverty eradication.

11. ASEAN continues to develop cooperative relations with its Dialogue Partners, namely, Australia, Canada, China, the European Union, India, Japan, New Zealand, the Republic of Korea, the Russian Federation, the United States of America and the United Nations Development Programme (UNDP). ASEAN also promotes cooperation with Pakistan in some areas of mutual interest.

12. Consistent with its resolve to enhance cooperation with other developing regions, ASEAN maintains contact with other intergovernmental organizations, namely, the Economic Cooperation Organization, the Gulf Cooperation Council, the Rio Group, the South Asian Association for Regional Cooperation and the South Pacific Forum, and through the recently established Asian-African Subregional Organizations Conference.

**ASEAN-United Nations relations**

13. ASEAN cooperation with the United Nations began with UNDP soon after ASEAN's establishment in 1967. UNDP later became a special Dialogue Partner of ASEAN in 1977, the only non-State entity accorded the Dialogue Partner status in ASEAN.

14. During the fifth ASEAN Summit, held in Bangkok in 1995, ASEAN leaders agreed to explore ways and means of enhancing cooperation with the United Nations with a view to promoting peace and stability in the region and strengthening the work of the United Nations in the social and economic fields.

15. Pursuant to that commitment, the ASEAN leaders met with the Secretary-General of the United Nations at their first ASEAN-United Nations Summit, held in Bangkok on 12 February 2000. As the Summit called for closer cooperation between ASEAN and the United Nations in such activities as exchanging information and organizing conferences and seminars on issues relating to peacebuilding, a series of seminars on peacebuilding in South-East Asia had been conducted in ASEAN member countries with financial support from the United Nations.

16. ASEAN-United Nations cooperation was further strengthened with the adoption of General Assembly resolution 57/35 in 2002 and General Assembly resolution 59/5 in 2004. Both resolutions generated additional impetus to cooperation as they encouraged both ASEAN and the United Nations to increase contacts and to further identify areas of cooperation, as appropriate. ASEAN and the United Nations, as well as its specialized agencies, have since explored ways and means of promoting ASEAN-United Nations cooperation.

17. The second ASEAN-United Nations Summit was convened on 13 September 2005 at United Nations Headquarters in New York. At the Summit, the ASEAN leaders and the Secretary-General of the United Nations reviewed, discussed and agreed to broaden areas of cooperation, which included energy security, development, debt relief, health, disaster management, trade and investment, and peace and security. In the Summit's joint communiqué, ASEAN leaders expressed appreciation for the support of the United Nations for ASEAN's goals of realizing the ASEAN Community as envisaged under the Declaration of Bali Concord II, with the ASEAN Security Community, the ASEAN Economic Community and the ASEAN Sociocultural Community as its pillars. The United Nations also welcomed the possibility of ASEAN's seeking observer status in the United Nations.

18. The participation of ASEAN as an observer in the United Nations would serve to further enhance cooperation between ASEAN and the United Nations, particularly in support of ASEAN's community-building efforts, as well as broaden and deepen ASEAN's interactions with countries and regional and international organizations.

## Annex II

### Draft resolution

### Observer status for the Association of Southeast Asian Nations in the General Assembly

*The General Assembly*,

*Wishing* to promote cooperation between the United Nations and the Association of Southeast Asian Nations,

1. *Decides* to invite the Association of Southeast Asian Nations to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. *Requests* the Secretary-General to take the necessary action to implement the present resolution.

United Nations A/61/511–S/2006/800

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Security Council

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**General Assembly**
**Sixty-first session**
Agenda item 19
**Question of Cyprus**

**Security Council**
**Sixty-first year**

## Letter dated 10 October 2006 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 10 October 2006, addressed to you by Mr. Murat Soysal, Chargé d'affaires a.i. of the Turkish Republic of Northern Cyprus, forwarding the letter of His Excellency Mr. Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly under agenda item 19, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

06-56531 (E) 181006

## Annex to the letter dated 10 October 2006 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a copy of a letter dated 10 October 2006 addressed to you by H.E. Mr. Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see enclosure).

(*Signed*) Murat **Soysal**
Chargé d'affaires a.i.
Turkish Republic of Northern Cyprus

## Enclosure

I have the honour to refer to the statement made by the Greek Cypriot leader, Mr. Tassos Papadopoulos, at the sixty-first session of the General Assembly in New York on 19 September 2006.

I have read the text of the speech with great dismay. In the statement, Mr. Papadopoulous outlines his vision for Cyprus and his own paradigm for the future. Undoubtedly, the crux of his speech is where he asserts that "ethnic origin, political equality as defined in relevant United Nations resolutions, and cultural and religious diversity should be safeguarded but not at the expense of fundamental rights of citizens and the functionality and efficiency of State institutions". One would expect Mr. Papadopoulos to be aware that in the twenty-first century, the state cannot be held paramount to ethnic, cultural and religious diversity and cannot be used as a pretext to suppress diversity. Only in the extreme regimes can one support such a stance, which is clearly against contemporary thinking. In the context of Cyprus, this stance is, at the same time, an obvious attempt to do away with the established United Nations parameters for a settlement on the island and represents an ill-intentioned effort to undermine the principle of political equality. Whereas the international community and relevant treaties have endorsed the political equality of Turkish Cypriots and Greek Cypriots, Mr. Papadopoulos is insistently talking about minority rights in a very anachronistic and restrictive manner. Needless to say, ethnic, cultural and religious diversity and functionality of the state are of complementary nature and do not contradict each other. The functionality and efficiency of a new partnership in Cyprus and the fundamental rights of its citizens can only be guaranteed through full respect for and adherence to the principle of political equality of the two sides, and not through numerical majority imposing its will on the numerical minority under the pretext of fundamental rights and functionality of the state.

If the vision and paradigm of Mr. Papadopoulos is based on the assimilation of the Turkish Cypriots into the Greek Cypriot society (osmosis), then this is clearly a premeditated recipe for the continuation of the division of the island. In conjunction with his call for the rejection of the Annan Plan and his call for the unification of the island through "osmosis", it is hardly convincing that Mr. Papadopoulos is truly committed to a bizonal, bicommunal federation in Cyprus based on the political equality of the two sides on the island. He aims to change the agreed parameters of a settlement in Cyprus in line with his "osmosis" policy, by asserting that "the territory, people, society, economy and institutions" should all reunite in a settlement, pointing clearly to a unitary state and not a federal solution.

It is unacceptable that Mr. Papadopoulos expects the General Assembly to forget the fact that it has been burdened with the Cyprus problem since 1963, and tries to depict the Cyprus problem as one of "invasion" and "occupation" only since 1974. He tries to conceal the ousting of the Turkish Cypriot founding partner from the 1960 Republic of Cyprus; the Greek Cypriot atrocities perpetrated against Turkish Cypriots, which necessitated the deployment of United Nations troops in Cyprus in 1964; and the grave violation of Turkish Cypriot human rights and their subjection to living in enclaves between 1963 and 1974. In a similar manner, Mr. Papadopoulous conveniently forgets that the Turkish intervention was a result of the military coup instigated by Greece in 1974. He also overlooks the fact that none of the Security Council resolutions on Cyprus refer to the rightful intervention of

Turkey as "invasion" and the subsequent presence of Turkish troops in Cyprus as "occupation".

Mr. Papadopoulos should be reminded that the Turkish Cypriots, while having suffered since 1963, in terms of humanitarian and human rights consequences, are still living under isolation and disenfranchisement, despite their expressed will for the unification of the island. Furthermore, given that it was Mr. Papadopoulos himself who called on the Greek Cypriot people for a resounding "no" to the Annan Plan, which, in your words, was not a mere blueprint but the solution itself (S/2004/437), he bears the sole responsibility for the continuation of the status quo, and his effort to blame it on Turkey is not convincing.

It has been clearly stated by you in your report mentioned above, as well as by the European Council in its decision taken on 26 May 2004, that urgent action should be taken to lift the isolation of the Turkish Cypriots. The fact that Mr. Papadopoulos makes a mockery of such efforts, by claiming that the isolation of the Turkish Cypriots is a myth, only serves to alienate him further from the international community. It should be stressed at this point that, income per capita on the Greek Cypriot side is almost twice that of the Turkish Cypriots living in the North. It is due to the isolation that such disparity exists between the two peoples on such a small island. It becomes abundantly clear that such a mentality does not only aim at the subjugation of the Turkish Cypriots politically, but economically as well.

Again, in his speech, Mr. Papadopoulos claimed that the Annan Plan was rejected by the Greek Cypriots, as it had not provided for the reunification of the island nor addressed core issues and key concerns in a satisfactory manner. Asserting that a settlement plan, finalized by the Secretary-General, who was mandated by the Security Council with a mission of good offices to facilitate the unification of the island, did not provide for unification but rather separation is absurd, an insult to the United Nations, and disrespectful of the goodwill efforts of all those who worked tirelessly to bring about a compromise plan for the unification of the island. Such well-known allegations of Mr. Papadopoulos have been duly answered in your report on your mission of good offices in Cyprus (S/2004/437) and hardly need further elaboration. At this point, I would like to remind you that during the discussions held on the Annan Plan between the two sides at The Hague on 10 and 11 March 2003, Mr. Papadopoulos is on the record as having stated that "he was prepared not to reopen the substantive provisions of the plan if the other side was prepared to do likewise" (S/2003/398). In a similar vein, in a letter addressed to you on 17 December 2003, he stated: "I reiterate my firm commitment to engage earnestly in substantive negotiations on the basis of the Annan Plan ... I also wish to assure you that the approach of the Greek Cypriot side to such negotiations as well as our attitude within their framework will move within the philosophy and concept of the Annan Plan ... it remains our position that, if any resumption of the talks is to be meaningful, both communities must indicate that they accept your Plan as a basis for further discussions". Thus, it is obvious that he paid lip service to the Annan Plan in order to secure the European Union (EU) membership of the Greek Cypriot administration as the "Government of Cyprus" and negotiated in bad faith, deceiving not only the Turkish Cypriot side but also the United Nations, the EU and the whole international community. It should also be underlined at this point that the Security Council had given its full support to the plan in its resolution 1475 dated 14 April 2003, in which it stated that it: "Gives its full support to the Secretary-General's carefully balanced plan of 26 February 2003 as a unique basis for further

negotiations, and calls on all concerned to negotiate within the framework of the Secretary-General's Good Offices, using the plan to reach a comprehensive settlement."

Mr. Papadopoulos is also distorting the facts concerning the issue of the missing persons. Although he acknowledges that there are "positive" developments on the matter, he conveniently misleads the Assembly by referring only to those who went missing in 1974, and not to Turkish Cypriots who went missing between 1963 and 1974, whose fates are also being investigated under the mandate given to the Committee on Missing Persons.

Mr. Papadopoulos needs to be reminded that in the efforts to solve the Cyprus problem, his counterpart is and has always been the Turkish Cypriot side, and not Turkey. His efforts to take Turkey as his counterpart only serve to hinder any dialogue on the island and thus weaken the prospects of a solution. In keeping with this policy, he even focuses his accusations on Turkey in a vain effort to solicit a response, and thereby effectively get rid of the Turkish Cypriot side and establish Turkey as his main counterpart.

Turkey's full support for the Annan Plan, which was praised in your report mentioned above on your mission of good offices, as well as the Action Plan it proposed for the simultaneous lifting of all restriction imposed on the North and the South, and the rejectionist stance taken by the Greek Cypriot leadership on both occasions, is a clear indication that Turkey, as a guarantor country, is continuously taking positive steps to help the two sides to bring about a settlement in Cyprus, while the Greek Cypriot side, on the contrary, is pursuing maximalist policies at the expense of contradicting the founding principles of the EU such as compromise and cooperation.

It is also disturbing that Mr. Papadopoulos has been exploiting the humanitarian crisis caused by the situation in Lebanon in order to promote his cause. We were shocked and dismayed during the crisis in Lebanon that individual countries seeking the assistance of the Turkish Cypriot side in the evacuation of the refugees from Lebanon were told by the Greek Cypriot leadership that if they used Turkish Cypriot assistance in the matter, their use of the Greek Cypriot ports and airports for evacuation purposes would not be permitted. The Greek Cypriot leadership did not refrain from pursuing its anachronistic policy of isolating Turkish Cypriots even at the height of a humanitarian crisis.

In conclusion, I would like to reiterate our firm commitment for the earliest resumption of the full-fledged negotiations for the comprehensive settlement of the Cyprus problem under the auspices of the United Nations and on the basis of the Annan Plan.

(*Signed*) Mehmet Ali **Talat**
President of the Turkish Republic of Northern Cyprus

United Nations A/61/512

General Assembly

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**Sixty-first session**
Agenda item 122

# Scale of assessments for the apportionment of the expenses of the United Nations

## Report of the Fifth Committee

*Rapporteur*: Mr. Diego **Simancas** (Mexico)

## I. Introduction

1. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-first session the item entitled "Scale of assessments for the apportionment of the expenses of the United Nations" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 2nd and 4th meetings, on 9 and 11 October 2006. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/61/SR.2 and 4). An addendum to the present report will reflect further consideration of the item by the Committee during the sixty-first session.

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Committee on Contributions;[1]

(b) Letter dated 5 October 2006 from the President of the General Assembly addressed to the Chairman of the Fifth Committee, transmitting a letter dated 4 October 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Sao Tome and Principe to the United Nations addressed to the President of the General Assembly (A/C.5/61/3).

[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 11* and corrigendum (A/61/11 and Corr.1).

06-56470 (E) 111006

## II. Consideration of draft resolution A/C.5/61/L.2

4. At its 4th meeting, on 11 October, the Committee had before it a draft resolution entitled "Scale of assessments for the apportionment of the expenses of the United Nations: requests under Article 19 of the Charter" (A/C.5/61/L.2), which was submitted by the Chairman on the basis of informal consultations coordinated by the representative of the Islamic Republic of Iran.

5. At the same meeting, the Committee adopted draft resolution A/C.5/61/L.2 without a vote (see para. 6).

# III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

## Scale of assessments for the apportionment of the expenses of the United Nations: requests under Article 19 of the Charter

*The General Assembly,*

*Having considered* chapter V of the report of the Committee on Contributions on its sixty-sixth session,[1]

*Reaffirming* the obligation of Member States under Article 17 of the Charter of the United Nations to bear the expenses of the Organization as apportioned by the General Assembly,

1. *Reaffirms* its role in accordance with the provisions of Article 19 of the Charter of the United Nations and the advisory role of the Committee on Contributions in accordance with rule 160 of the rules of procedure of the General Assembly;

2. *Also reaffirms* its resolution 54/237 C of 23 December 1999;

3. *Requests* the Secretary-General to continue to bring to the attention of Member States the deadline specified in resolution 54/237 C, including through an early announcement in the *Journal of the United Nations* and through direct communication;

4. *Urges* all Member States requesting exemption under Article 19 of the Charter to submit as much information as possible in support of their requests and to consider submitting such information in advance of the deadline specified in resolution 54/237 C so as to enable the collation of any additional detailed information that may be necessary;

5. *Agrees* that the failure of the Central African Republic, the Comoros, Georgia, Guinea-Bissau, Liberia, the Niger, Somalia and Tajikistan to pay the full minimum amount necessary to avoid the application of Article 19 of the Charter was due to conditions beyond their control;

6. *Decides* that the Central African Republic, the Comoros, Georgia, Guinea-Bissau, Liberia, the Niger, Somalia and Tajikistan should be permitted to vote in the General Assembly until the end of its sixty-first session;

7. *Takes note* of the information provided by the Chargé d'affaires a.i. of the Permanent Mission of Sao Tome and Principe with regard to a request for exemption under Article 19 of the Charter of the United Nations;[2]

8. *Invites* the Government of Sao Tome and Principe to submit appropriate information to the Committee on Contributions if similar circumstances prevail in the future;

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[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 11* and corrigendum (A/61/11 and Corr.1).

[2] See A/C.5/61/3, annex.

9. *Agrees* that the failure of Sao Tome and Principe to pay the full minimum amount necessary to avoid the application of Article 19 of the Charter was due to conditions beyond its control;

10. *Decides* that Sao Tome and Principe should be permitted to vote in the General Assembly until the end of its sixty-first session.

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**Sixty-first session**
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**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

# Regional arrangements for the promotion and protection of human rights

## Report of the Secretary-General*

*Summary*

The present report on regional arrangements for the promotion and protection of human rights has been prepared in accordance with General Assembly resolution 59/196 and contains information on action taken pursuant to that resolution.

For several years, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has been pursuing and elaborating a regional and subregional approach towards more effective promotion and protection of human rights, resorting to a broad range of strategies and tools in order to maximize the mainstreaming of human rights into the work of the United Nations as well as of regional institutions. This regional approach has proved particularly valuable for OHCHR in engaging with countries where it does not have an Office. In 2005 and 2006, OHCHR gave a new impetus to its regional strategy in line with the Secretary-General's report "In larger freedom: towards development, security and human rights for all" (A/59/2005), the plan of action of the High Commissioner for Human Rights (A/59/2005/Add.3, annex) and the High Commissioner's subsequent strategic management plan for 2006-2007.

The present report thus focuses on regional strategies of OHCHR and on the most significant developments, following the reports on regional arrangements for the promotion and protection of human rights (A/59/323) submitted to the General Assembly on 2 September 2004, and to the Commission on Human Rights at its sixty-first session (E/CN.4/2005/104).

* The report was submitted late in order to take into account the latest developments related to regional arrangements for the promotion and protection of human rights.

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# I. Introduction

1. In its resolution 59/196, the General Assembly requested the Secretary-General to submit to it at its sixty-first session a report on the state of regional arrangements for the promotion and protection of human rights, formulating concrete proposals and recommendations on ways and means to strengthen cooperation between the United Nations and regional arrangements in the field of human rights, and to include therein the results of action in pursuance of that resolution.

2. In that resolution the Assembly requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to continue to pay special attention to the most appropriate ways of assisting countries of the various regions, at their request, under the programme of technical cooperation and to make, where necessary, relevant recommendations. The Assembly welcomed the decision of OHCHR to strengthen national protection systems in accordance with action 2 of the reform programme of the Secretary-General.

3. In line with my report "In larger freedom: towards development, security and human rights for all", the plan of action and the subsequent strategic management plan of the High Commissioner for Human Rights foresee greater country engagement through various strategies, including through increased deployment of human rights staff, at the country and regional levels, and through strengthened partnerships with the United Nations system and other international, regional and national actors. Both plans provide for the strengthening of OHCHR regional offices and for the establishment of new ones as key to the implementation of the High Commissioner's strategic vision, including, at its core, enhanced country engagement.

4. The plan of action of the High Commissioner for Human Rights conceives engagement and dialogue at the country level as "the primary means through which OHCHR works to ensure the implementation of human rights" (A/59/2005/Add.3, annex, para. 127). Country engagement has indeed been identified by OHCHR as most effective in addressing protection gaps through presence at the country and regional levels in order to achieve the most consultative process with all actors concerned towards the promotion and protection of human rights: Government, civil society and other relevant national counterparts, as well as international partners, including within the United Nations and regional organizations.

5. In conformity with the approach outlined in paragraph 51 of the plan of action of the High Commissioner for Human Rights, regional offices will allow OHCHR to directly and constructively collaborate with Governments in the region, with relevant regional and subregional intergovernmental and non-governmental organizations in the area of human rights, national human rights institutions and United Nations country teams. Regional offices would thus facilitate the development and implementation of engagement strategies for all countries concerned.

6. In the light of the implementation of the High Commissioner's plan of action, the present report focuses on the regional strategies of OHCHR and the most significant developments since 2005, when the Secretary-General submitted to the Commission on Human Rights at its sixty-first session his report (E/CN.4/2005/104) on this subject.

## II. Regional strategies of the Office of the United Nations High Commissioner for Human Rights: strengthening and establishment of regional and subregional offices

7. As articulated in the plan of action of the High Commissioner for Human Rights, the promotion and protection of human rights is most effective on the ground. Hence the importance for OHCHR of increasing its presence in the field, including through regional and subregional offices. The latter are essential to promote and protect human rights not only at the regional level but also in countries where OHCHR does not have a presence. They also play a significant part in developing solid partnerships with regional and subregional organizations and forums that are key to furthering the mainstreaming of human rights.

8. In this context, OHCHR has been implementing the following approaches:

(a) Strengthening existing regional and subregional offices;

(b) Establishing new regional and subregional structures;

(c) Adopting a subregional focus whenever appropriate;

(d) Conducting joint regional projects and sponsoring or organizing regional consultations and dialogues;

(e) Supporting the establishment of regional frameworks for the promotion and protection of human rights.

9. Through its expanded presence in the field, at both the country and the regional levels, OHCHR will be able to achieve the greatest impact in protecting human rights. In order to play an effective role, both country and regional offices need to be able to pursue the entirety of the High Commissioner's mandate, as set out in General Assembly resolution 48/141, and should be adequately staffed and resourced.

10. As defined in the High Commissioner's strategic management plan, regional offices are to fulfil the following roles and functions:

(a) Serve as OHCHR outposts and help to develop and implement engagement strategies for countries requiring more focused attention and for those in which OHCHR does not have a presence;

(b) Provide coverage for other countries, as requested by OHCHR headquarters;

(c) Engage with regional and subregional intergovernmental and non-governmental organizations;

(d) Function as support and resource centres for country offices, human rights components of peace operations and human rights officers deployed in the region by providing thematic expertise for capacity-building, fact-finding, advocacy and other activities.

11. The role of regional offices remains crucial in advising United Nations country teams and national counterparts on human rights in general, including on rights-based approaches to development and humanitarian assistance. OHCHR is strengthening its expertise and engagement in this area and is endeavouring, through

its reform process, to put in place adequate structures and policies to consolidate its engagement.

12. At present, OHCHR has six regional offices: in South Africa (Johannesburg), East Africa (Addis Ababa), Latin America (Santiago), the Middle East and the Gulf countries (Beirut), the Pacific (Suva) and South-East Asia (Bangkok). OHCHR is also responsible for the Regional Centre for Human Rights and Democracy in Central Africa (Yaoundé). The High Commissioner for Human Rights is in the process of strengthening the seven above-mentioned regional and subregional structures through the deployment of additional staff and realignment of activities in line with the plan of action and strategic management plan. Thus, the regional office for the Middle East and the Gulf, in Beirut, is being revitalized and restructured following the crisis in Lebanon. A sub-office of the regional office for the Pacific was set up in August 2006 in Solomon Islands (Horiara). Moreover, it should be mentioned that in June 2006 a regional representative was deployed to Kyrgyzstan (Bishkek) to cover Central Asia.

13. As envisaged in the strategic management plan, and as a central part of its country engagement strategy, OHCHR is actively working on the establishment of four new regional offices, and of a human rights training and documentation centre:

(a) OHCHR has undertaken preparations for the opening of a regional office for West Africa in Dakar, with an annex in Abuja. Progress has been achieved, and OHCHR expects to establish the two offices by the end of 2006;

(b) OHCHR has been holding consultations for the establishment of a regional office for Northern Africa in Cairo;

(c) OHCHR is in the process of identifying the most appropriate location for a future regional office in Central America. A decision should be made by October 2006;

(d) OHCHR is negotiating the establishment of a regional office for Central Asia in Kyrgyzstan;

(e) Preparations are under way to strengthen the New York Office for possible coverage for North America;

(f) Furthermore, as requested by the General Assembly in resolution 60/153, consultations with the Government of Qatar are ongoing to set up a human rights training and documentation centre for South-West Asia and the Arab region. It is expected to start operations in 2006. Pursuant to paragraph 2 of the resolution, the centre is mandated "to undertake training and documentation activities according to international standards and to support such efforts within the region by Governments, United Nations agencies and programmes, national human rights institutions and non-governmental organizations".

14. OHCHR is working to ensure that all regional offices are structured around a common model.

15. The establishment and strengthening of links with regional organizations and institutions has continued to be an important focus of OHCHR activities throughout 2005 and 2006 through a number of practical efforts towards the integration of human rights into the work, policies and programmes of OHCHR partners.

# III. Regional frameworks

## A. Africa

16. Regional OHCHR arrangements for the promotion and protection of human rights in Africa are conducted on two fronts: through assistance to the African Union in strengthening its human rights mechanisms and through subregional representation to consolidate human rights capacities at the regional, subregional and national levels.

17. With regard to cooperation with the African Union, OHCHR is active mainly through its Addis Ababa regional office, which continued to provide assistance for the mainstreaming of human rights in policies and programmes of the African Union through the establishment of new mechanisms, organization of conferences, training and support for peace processes.

18. Through its regional representative in Addis Ababa and at its headquarters in Geneva, OHCHR has, over the past five years, developed a partnership with the African Union on key human rights issues and initiatives. In the context of a global project entitled "Comprehensive support for the African Union in strengthening the promotion and protection of human rights in Africa", OHCHR provides financial and technical support to strengthen the human rights foundation of the African Union, to maintain its focus on human rights issues and to ensure the institutionalization of human rights in its agenda and programme of work. With a view to supporting this process, OHCHR in Addis Ababa has assigned a human rights adviser to assist the African Union with the development and implementation of a human rights strategy, to facilitate improved access to human rights information and to support interaction between the African Union and African human rights defenders. The Office also directly supports the mainstreaming of human rights in the vision, strategic planning and programming of the African Union as well as in its institutional transformation. For example, a Human Rights Unit has been created within the Department of Political Affairs of the African Union and benefits from human rights advice and support from the OHCHR regional office in Addis Ababa.

19. Over the past three years, cooperation with the African Union has expanded to include joint activities such as support for African Union member States within the framework of action 2 of the Secretary-General's reform agenda. In addition, the African Union's strategic priorities for the next five years were developed, with technical assistance from OHCHR, to include a strong human rights agenda, with emphasis on building protection mechanisms at the country, subregional (Economic Community of West African States, Southern African Development Community, Economic Community of Central African States, and Intergovernmental Authority on Development) and regional levels through increased support for institutions and civil society organizations. In order to further consolidate its relationship with OHCHR, a draft memorandum of understanding between the two organizations is under consideration.

20. In the framework of the 10-year capacity-building programme to enhance partnership between the United Nations and the African Union, OHCHR intends to continue working with the African Union to build incrementally its capacity in the field of human rights. For example, OHCHR is very supportive of increased capacity-building activities between the United Nations and the African Union in

the areas of peacekeeping operations, institution-building and governance, human rights, rule of law and social, cultural and health issues.

21. In accordance with the memorandum of understanding signed in July 2002 between OHCHR and the Secretary-General of the Economic Community of Central African States (ECCAS), the Centre for Human Rights and Democracy in Central Africa (Yaoundé) continued, during the two years under review, to provide advice and technical assistance to the ECCAS secretariat. Such cooperation included the design of a legal framework for information management concerning freedom of movement in the subregion.

22. Through its civil society capacity-building project, the Yaoundé Centre has contributed to the emerging partnership of ECCAS with civil society organizations in the subregion. In this context, a subregional workshop on peacebuilding and conflict prevention for civil society organizations in Central Africa took place in Douala, Cameroon, from 10 to 12 April 2006. The meeting was organized by the Centre for Conflict Resolution in Cape Town, South Africa, in collaboration with the United Nations Subregional Centre for Human Rights and Democracy in Central Africa, with the participation of ECCAS and the United Nations Peacebuilding Office in the Central African Republic. The objectives of the meeting included the provision of a platform for 40 civil society actors and policymakers, including ECCAS, to engage in and discuss the role of civil society in developing effective action for the prevention of violent conflicts in Central Africa.

23. OHCHR initiated a dialogue with the secretariat of the Southern African Development Community (SADC) in 2003 to discuss cooperation and offer technical assistance. Since 2003, despite OHCHR not having a cooperation agreement with SADC, various initiatives have taken place between the two entities. Thus, in July 2004, OHCHR assisted in the organization of the first SADC conference of chief justices on human rights and access to justice, in Botswana. Furthermore, representatives of SADC have participated in training and workshops organized by the OHCHR regional office for Southern Africa.

24. In May 2006, OHCHR participated in a meeting between the United Nations Regional Directors Team for Southern Africa and the executive secretary of SADC to discuss areas of future collaboration. SADC emphasized the need for capacity-building in the priority areas identified for the region, including peace, security, political stability, good governance, the rule of law and enhancement of democracy; the fight against poverty; food security and its impact on health; and HIV/AIDS, tuberculosis and malaria. As SADC has different relationships with different agencies of the United Nations, it was agreed that the community would review all existing memorandums of understanding and convene a meeting with United Nations agencies to harmonize these agreements for greater effectiveness. It was also agreed that there was a need for formal accreditation of the United Nations with SADC.

25. Following requests for technical assistance from the Economic Community of West African States (ECOWAS), as well as from States of the subregion, a project formulation mission of OHCHR took place from 20 to 29 February 2005 in Dakar and from 1 to 4 March 2005 in Abuja. The purpose of the mission was to hold consultations with relevant stakeholders in the subregion on the establishment of a subregional human rights presence and to identify areas of cooperation with ECOWAS and United Nations agencies and programmes. This mission provided an

opportunity to determine activities that could be implemented in the short term to contribute to the strengthening of human rights in West Africa, pending a final decision by the High Commissioner on the establishment of a subregional presence. The outcome of the mission and the requests for technical assistance received from different actors in the subregion led to an agreement between ECOWAS and OHCHR on activities and on a workplan for 2005. On 4 March 2005, an aide-memoire on collaboration was signed between OHCHR and the ECOWAS secretariat, which addresses the subject of greater awareness and understanding by ECOWAS of international and regional human rights standards and of human rights-based approaches to programming and policies. To this effect, a training programme on human rights mainstreaming took place in Mina, Nigeria, in September 2005, for various departments of ECOWAS and relevant institutions such as the Parliament and the Community Court. Furthermore, OHCHR deployed a human rights officer to Abuja from October to December 2005 to assist the ECOWAS secretariat in the development of a comprehensive human rights programme and of a strategy to address the issues of human trafficking, human rights and migration.

## B. Arab region

26. On 17 April 2002, in the spirit of General Assembly resolution 56/40, OHCHR and the League of Arab States signed a memorandum of intent, which reflected a shared commitment to the promotion and protection of human rights and fundamental freedoms. Within this framework, OHCHR and the League of Arab States have been in cooperation in a number of activities, such as technical support for the revision of the Arab Human Rights Charter; capacity-building for staff of the League on human rights principles and standards; and the organization of regional conferences on national human rights institutions in the Arab region. OHCHR and the Human Rights Department of the League of Arab States will continue to cooperate on activities aimed at the promotion of human rights at the regional level and to that end will identify a regional strategy that will, inter alia, encourage member States to ratify and implement international human rights conventions and optional protocols as well as encourage withdrawal of reservations. It will also encourage States to sign and ratify the Arab Charter on Human Rights. OHCHR and the League of Arab States are preparing a programme of technical cooperation in order to reinforce the latter's capacity in the field of human rights, including with regard to women's rights, and to establish a framework for the development of a regional strategy for the promotion and protection of human rights.

27. Following the second participation of OHCHR in the general meeting of the United Nations and the Organization of the Islamic Conference (OIC), in Vienna in July 2004, and in line with the outcomes of the meeting, OHCHR prepared memorandums of understanding on cooperation with both OIC and the Islamic Educational, Scientific and Cultural Organization (ISESCO) in order to promote human rights. The memorandum of understanding with OIC was signed on 11 July in Rabat, and a workplan is being elaborated. The memorandum of understanding between OHCHR and ISESCO was signed on 29 November 2005, and a first set of activities took place in January 2006, with a training seminar on international and regional systems organized by OHCHR for six staff of the OIC secretariat and eight staff of the ISESCO secretariat. The seminar was a success, and ISESCO

subsequently submitted a proposal for joint activities, currently under study by OHCHR.

## C. Asia and the Pacific

28. The strategies and priorities of the regional office for South-East Asia for 2006-2007 are aimed at assisting Association of Southeast Asian Nations (ASEAN) member States in ratifying and implementing international human rights instruments, establishing a regional human rights mechanism, developing legislation that is in conformity with international human rights standards (for instance, anti-terrorism legislation) and building capacity in the administration of justice.

29. The regional office also plays an important role in advising the Economic and Social Commission for Asia and the Pacific regarding human rights aspects of its activities and supporting the resident coordinators and United Nations country teams in the region, especially within the framework of rights-based approaches (Common Country Assessment and United Nations Development Assistance Framework).

30. The regional office will also focus on providing human rights training programmes for various target groups to strengthen national capacity in creating structures for the promotion and protection of human rights. General human rights training programmes have already been suggested to some ASEAN member States.

31. The thirteenth Workshop of the Framework on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region was held from 30 August to 2 September 2005 in Beijing. It was attended by 33 States of the region, as well as representatives of subregional organizations, national human rights institutions, United Nations agencies and programmes, and non-governmental organizations.

32. In preparation for the workshop, OHCHR commissioned Vitit Muntarbhorn (Thailand) to update his review and evaluation of the Asia-Pacific Framework carried out in 2001, in order to assess its achievements and to propose options for the future role and direction of the Framework. The study was sent to all permanent missions of the Asia and the Pacific region on 10 June 2005, and consultations were held on 24 June 2005, in Geneva, with representatives of States of the region to discuss the recommendations contained in the study and, on 20 July 2005, to identify a common position on recommendations.

33. The first session of the workshop was dedicated to the review of the four pillars of the Tehran Framework: national human rights action plans; national human rights institutions; human rights education; and the right to development and economic, social and cultural rights. States were provided with the opportunity to present their achievements in promoting each of the pillars at the national level.

34. With respect to the Workshop's conclusions, it was widely accepted that increased involvement of the United Nations system in the implementation of the four Tehran pillars was necessary in order to strengthen the promotion of these priority areas. While it was agreed that United Nations country teams could not replace existing OHCHR functions in facilitating and promoting the pillars, it was recognized that they should nonetheless take a more active role in assisting States in the implementation of relevant activities. The need to further promote the national

human rights institutions pillar was strongly emphasized, and the significance of the work of both the Asia-Pacific Forum of National Human Rights Institutions and OHCHR was particularly highlighted in this regard. The promotion of economic, social and cultural rights and the right to development was identified as a main priority for the region, and the involvement of the United Nations system in implementing this pillar was thus particularly welcomed.

35. While no consensus could be attained on whether to pursue a subregional approach to the Asia-Pacific Regional Framework, agreement was eventually reached to hold broad-based consultations between workshops on this matter. At the time of submission of the present report, the Secretariat was in the process of analysing responses from Member States subsequent to a letter sent by OHCHR to all permanent missions of Asian and Pacific countries requesting their views on this subject. A consultation meeting with Member States on the proposed subregional approach and on the draft programme of action is scheduled to take place in the margins of the third regular session of the Human Rights Council.

36. Since its establishment in August 2005, the OHCHR regional office for the Pacific region, based in Suva, has engaged with the Suva-based secretariat of the Pacific Islands Forum, the regional intergovernmental organization for the Pacific. In October 2005, the 16 leaders of the region adopted, through the Pacific Islands Forum, a regional policy paper entitled the "Pacific Plan for strengthening regional cooperation and integration". That document includes human rights dimensions and encourages, as a priority matter, all member States of the Forum to ratify international human rights treaties. To support the implementation of the Pacific Plan, the Pacific Islands Forum secretariat and OHCHR-Suva have agreed to cooperate in order to promote the ratification by Pacific countries of the seven core international human rights treaties. OHCHR is preparing a discussion paper entitled "Ratification of international human rights treaties: added value for the Pacific Region", which will go through a consultative process with Pacific States and other stakeholders before being presented at a meeting of States members of the Pacific Islands Forum.

## D. Europe

37. OHCHR continued to maintain close cooperation with the Council of Europe, particularly through the Commissioner for Human Rights and the offices of the Council of Europe in the field, such as during the visit of the United Nations High Commissioner for Human Rights to the northern Caucasus in February 2006, or in South-East Europe. In Bosnia and Herzegovina, OHCHR and the Council of Europe offices have been engaged for many years in fruitful cooperation on legal technical expertise. In Kosovo (Serbia), cooperation has focused on capacity-building activities and policy advice with the authorities, the ombudsperson institution and the United Nations Interim Administration Mission in Kosovo. In the former Yugoslav Republic of Macedonia, cooperation recently focused on efforts to promote and follow up the plan of action for the first phase of the World Programme on Human Rights Education.

38. OHCHR is increasingly seeking ways of enhancing synergies with the European Union, in particular with regard to assisting in incorporating human rights principles into the policy, development and humanitarian efforts of the Union.

Additionally, the Office is holding regular consultations with the Organization for Security and Cooperation in Europe on thematic areas of common concern as well as with regard to specific country situations.

## E. Latin America and the Caribbean

39. The regional office for Latin American and the Caribbean was established in November 2001, following the signature of a memorandum of intent between OHCHR and the Economic Commission for Latin America and the Caribbean (ECLAC), aimed at disseminating a human rights culture, developing and enhancing the OHCHR network of regional partners, providing advice and assistance as requested by Governments and interacting with the inter-American human rights protection system. The regional office organizes and participates in various seminars and workshops and supports mainstreaming human rights in the activities of ECLAC and United Nations country teams in the region.

40. With regard to the Organization of American States (OAS), the regional representative attended in Fort Lauderdale, United States of America, the thirty-fifth regular session of the OAS General Assembly in 2005. The regional representative also gave lectures at the twenty-third (2005) and twenty-fourth (2006) inter-disciplinary courses in human rights organized by the Inter-American Institute of Human Rights in Costa Rica.

41. In Ecuador, in partnership with the United Nations Development Programme (UNDP), OHCHR supported the United Nations monitoring process (*veeduría*), which led to the appointment and establishment of the new Supreme Court of Justice in 2005 through the deployment of a specialized international consultant who led the monitoring mission from October to November 2005. The mission also coordinated the work undertaken by other international actors, such as OAS and the Andean Community of Nations, and gave concrete follow-up to the recommendations made by the Special Rapporteur on the independence of judges and lawyers.

42. From 5 to 7 September 2005, OHCHR organized, jointly with the Government of Costa Rica, the Department of Political Affairs, UNDP and the inter-American Institute for Human Rights, a regional seminar on democracy, human rights and rule of law. Access to justice, anti-corruption and social justice, addressing conflict situations and security policies were identified as the priority themes and analysed in depth during the seminar. This resulted in the adoption of a large number of concrete recommendations to States, national institutions, civil society organizations and the Inter-American Court and Commission for Human Rights, as well as to OHCHR.

43. OHCHR has been providing grants to the Inter-American Institute of Human Rights to support an OHCHR human rights chair at its annual training course, with a view to facilitating information on and knowledge of United Nations human rights mechanisms and the work of the Office of the High Commissioner.

## IV. Conclusion

44. As envisaged in the High Commissioner's plan of action and strategic management plan, OHCHR has been paying particular attention to regional and subregional offices and strategies as a key part and tool of its country engagement strategy. Throughout its planning and activities, OHCHR intends to further develop a leading role to strengthen cooperation between the United Nations and regional arrangements with a view to closing human rights protection gaps. OHCHR will continue to report on relevant actions undertaken and on their outcome to the General Assembly through the Secretary-General, particularly with regard to the establishment and strengthening of regional offices, and their activities.

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**Security Council**
**Sixty-first year**

## Letter dated 11 October 2006 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith the response of the Islamic Republic of Iran of 22 August 2006 to the package which was presented to the Islamic Republic of Iran on 6 June 2006, contained in document S/2006/521 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 81, and of the Security Council.

(*Signed*) M. Javad **Zarif**

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**Annex to the letter dated 11 October 2006 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General**

**Response of the Islamic Republic of Iran to the package presented on 6 June 2006**

**Introduction:**

The Islamic Republic of Iran has, from the outset, believed in resolution of disputes through constructive engagement and fair negotiations and has consistently insisted on respect for the rights of all parties and on prevalence of the law. The Islamic Republic of Iran considers, therefore, that recognition of rights entails their faithful realization, just as stipulation of responsibility entails commitment.

As such:

Membership in international organizations and conceding to their obligations appropriate rights and rewards to the member. To deny rights and privileges is to defy reasons for membership. No government can assume rights to herself while depriving others of the same. And no government can presume responsibilities for others while relieving herself from the same. The Islamic Republic of Iran is, thus, committed to all its responsibilities, embraces expansion of its relations with all peace loving states in the world, and rejects any aggression and threat that causes instability and war.

The Islamic Republic of Iran, in the same vain, is against production, stockpiling, development and proliferation of nuclear weapons, and considers that production of new generations of these weapons would particularly inhibit constructive efforts towards disarmament, and rejects production of any and all nuclear, biological and chemical weapons.

The Islamic Republic of Iran strongly believes that:

The massive sums spent from the wealth of nations on production, stockpiling, development and proliferation of these weapons would largely contribute to uprooting the causes of insecurity, instability and injustice, replacing them with peace and security, justice, peaceful coexistence and welfare, if applied to serving the people and spread of spirituality and morality, eradication of deprivations in education, health and welfare and development of peaceful science and technology.

The Government of the Islamic Republic of Iran presents its reply to the package offered on June 6,2006 by Mr. Javier Solana in Tehran following examination by expert groups, on the basis of the above stated precepts and in consideration of the initiative of Mr. Kofi Annan, the United Nations Secretary-General.

1. THE ENGAGEMENT APPROACH:

The Islamic Republic of Iran has declared repeatedly in the past that it sought fair negotiations for resolution of issues. When the package was delivered on June 6th, therefore, Iran adopted an engagement approach, welcomed abolition of threatening language and embarked upon serious consideration of the proposal, in the belief that the two sides can arrive at an agreement founded on international law. The Islamic Republic of Iran viewed consideration and negotiation on this proposal as a gateway for peaceful resolution of the nuclear issue along with other matters of mutual concern.

The expert committees commenced their work consequently in each area. Contacts and exchanges between Iran's chief negotiator on the nuclear dossier and his EU counterpart continued, at the same time, steadily giving way to a clear horizon. No precondition or ultimatum was raised by either side during this period.

Ironically, just as the exchanges and the expert review of the proposal were proceeding, the international community witnessed that certain governments, with no justification, prompted a negative campaign, declared a part of the package as prerequisite to any negotiation, and unilaterally broke the negotiations. Confrontational and threatening approach was hence resumed just as the region faced a crisis. With the adoption of the Security Council Resolution, the resolution of the issue through dialogue and understanding was confronted with a serious challenge.

This hasty and unwarranted action at the Security Council impaired the path of negotiation and understanding. As the result, good faith of Iran's interlocutors is in serious doubt. Many in Iran believe now that the package was aimed at stalemating diplomacy and instigating pressure in place of understanding, cooperation and improvement of relations that it claimed. The adverse implications of this major misstep are not easily rectifiable as confidence in the intentions of the other side is in serious jeopardy.

You are well aware that no legal, logical or even political justification exists for involvement and action by the Security Council on this issue. To interpret exercise of the "inalienable rights" of a state as threats against international peace and security is absurd by nature and outrageous as precedence. Particularly as the IAEA Director General Dr. El-Baradai has stated that Iran's nuclear program is no threat to international peace and security.

Action by the Security Council can shake and devastate the foundations and principles of the Non Proliferation Treaty and the Charter of the United Nations. If nonproliferation of nuclear weapons is a common and accepted objective of the international community, denial and restriction of explicit and undeniable rights of states would not only not serve that cause, but complicate the issue further in its stead. Defending the right to conduct research, develop and use the peaceful nuclear energy is not solely Iran's responsibility, but indeed the common responsibility for all parties to the NPT.

We reiterate and reemphasize that Iran's nuclear program has never diverted from its Peaceful course. The issue has, therefore, never been viewed as a matter of security in our perspective. Preoccupation over security in our region, on the other hand, is the common concern of all responsible states. Clear

signals and statements, however, indicating sincere intentions of the other sides for negotiation and understanding on these concerns are not yet evident.

To resolve the issue at hand in a sustainable manner, there would be no alternative except to recognize and remove the underlying roots and causes that have led the two sides to the current complicated position. When "right versus trust" forms the basic approach in considering the nuclear program of a State, and this serves as pretext for denial, discreteness in the program would naturally ensue; as the other side may never be willing to concede its confidence and trust. Conversely, a legal and fair approach, entailing unimpeded access to peaceful nuclear technology, would prompts transparency and full monitoring.

We have no interest in limiting or suspending inspections of our nuclear facilities and activities. We believe that you also had not, and have not any reason to deprive Iran of peaceful nuclear capabilities and to embark on hostile means. Everything hinges now on your interest, inclination and intention. A quarter of a century of denial and deprivation has lead Iran to pursue it nuclear program on the basis of independence and self-reliance. Years of hardship, tireless effort, and extensive expenses have now borne fruit as Iran has achieved indigenous capabilities in all areas of this industry.

Nuclear fuel is destined as a strategic commodity in the future of world energy. As major European countries continue production of this commodity through heavy investments and large subsidies, Iran too expects that its substantial investments will lead to production so that it would not have to depend on exclusive suppliers in the Self-reliance, however, does not exclude cooperation and partnership. Iran's nuclear program is entirely open to joint investment, operation, development and production. As the President has declared, the Islamic Republic of Iran is prepared to implement its nuclear program through consortium with other countries.

In view of our logical and firm approach for engagement aimed at resolving the nuclear and other issues of mutual interest on the basis of dialogue and international law, and to prove out good intention once again, we present our response despite the negative and destructive message that Security Council Resolution 1969 carried.

2. CONSIDERING THE FACT THAT:

2/1. The Islamic Republic of Iran has planned partial domestic production of its required nuclear fuel for the approved program to supply and produce 20,000 Mega Watts of nuclear power during the next twenty years. Repeated breaches and noncompliance by European countries and the United States of their undertakings under the NPT as well as their contractual obligations in cooperation and transfer of technology, before and after the revolution, their imposed sanctions, their failures to supply, and lack of international guarantees in uninterrupted provision of fuel has left no option except to move to produce part of the required fuel domestically.

2/2. The Islamic Republic of Iran has, relying on its rights stipulated under Article 4 of the NPT made substantial progress in nuclear technology. This includes facilities for production of yellow cake, UCF production at industrial level, Uranium enrichment facilities for partial supply of nuclear power plants, required fuel, heavy water production complex, heavy water research reactor development, and

production design of a 360 MW light water reactor by local experts and in line with international regulations. The Islamic Republic of Iran is, today, considered as a member of the nuclear fuel producing countries and this is an undeniable fact.

2/3. The Islamic Republic of Iran has, from the outset, stressed the need for observing the balance between its rights and its responsibilities under the NPT. Development of its peaceful nuclear program is based on its specific and undeniable rights under the NPT. It can not accept deprivation from its legal rights in development and use of peaceful nuclear energy including the fuel cycle, and continuing research and development of enrichment process as underscored in the NPT and the IAEA safeguards.

2/4. The Islamic Republic of Iran has, from the outset, been committed to its obligations under the NPT in development of its nuclear program and all its actions and activities have, to date, been conducted with necessary and sufficient transparency in accordance with NPT obligations and under IAEA monitoring.

2/5. The Islamic Republic of Iran believes that the June 6, 2006 proposal has elements which may be useful for a constructive approach. Most important among them:

First-Renewed emphasis on Iran's inalienable rights to develop its nuclear program for peaceful purposes without discrimination in accordance with the NPT;

Second- Readiness for negotiations as a new beginning to reach a "comprehensive agreement" with Iran.

3. ON THIS BASIS THE ISLAMIC REPUBLIC OF IRAN, FOLLOWING EXPERT REVIEWS, DECLARES THAT:

3/1. Considers the proposal of 6 June 2006 as containing useful foundations and capacities for comprehensive and long-term cooperation between the two sides. The Islamic Republic of Iran has, however, questions and ambiguities regarding guarantees of its rights. Through constructive negotiations, the grounds for overall agreement should be prepared.

3/2. Is prepared for removing concerns of the two sides through negotiations and receiving clarifications on the nature, extent, approach, level, duration and depth of issues in the offer such as real and practical cooperation in development of Iran's peaceful nuclear program including light and heavy water reactors, and exercise of Iran's right to achieve nuclear energy inclusive of the fuel cycle and continuation of research and development in uranium enrichment.

3/3. Is ready for "long term cooperation" in security, economic and political and energy areas in order to achieve "sustainable security in the region" and "long term energy security".

3/4. As always, considers that the resolution of all issues may be possible through negotiation and engagement.

4. IN THE VIEW OF THE ISLAMIC REPUBLIC OF IRAN, THE UNDERLYING IDEA AND PRINCIPLE IN THE OFFERED PACKAGE, A "RENEWED PROCESS OF NEGOTIATIONS TO ACHIEVE COMPREHENSIVE RESULTS AND AGREEMENTS" AS SUBSTITUTE TO ALL OTHER MEANS TO RESOLVE THE NUCLEAR ISSUE, CONTAINS THE FOLLOWING:

- To help peaceful and rapid resolution of the nuclear dispute in the framework of the IAEA and NPT provisions through extension of understanding, bridging the positions, and settling the differences between different sides.

- To establish necessary tenets and foundations for confidence building and mutual cooperation in the nuclear field.

- To improve and expand relations and mutual cooperation between Iran and other parties in all areas on the basis of mutual respect and trust.

- To promote peace and security in the region and scientific, technological and economic progress in Iran.

The Islamic Republic of Iran accepts the core idea of the proposal. As it has always stated, arriving at an understanding in a process of comprehensive negotiation, to resolve the differences and to form the grounds and the basis of expansion of comprehensive and reciprocal relations and cooperation as the only way to approach these issues. We welcome this approach.

At the same time, certain points need to be expressed and stressed:

4/1. The negotiation process, as the means to reach an agreement and settle the issue, should be instituted on an initial basis of confidence. This implies that, in areas of significance, a level of assurance, including particularly in the effectiveness of negotiations, possibility of arriving at an effective outcome within a specific and reasonable time, maintaining stability during the process and avoiding disruptive and destructive action from within and without, and prevalence of a fair, balanced, reasonable and non-coercive environment should be established prior to the negotiations.

This requires discussion and understanding. The Proposal is devoid of due attention to this necessity.

4/2. Clear evidence and experience gives reason to Iran to remain seriously skeptical towards sincerity of at least some members of the 5+1 in their declared intention to establish comprehensive relations and cooperative exchanges. Iran believes, therefore, that these governments should come forward with assurances, commitments and indications that demonstrate revision in past behavior and absence of intentions to contain Iran or seek a pretext for hostile actions in advance of the negotiations.

In the view of the Islamic Republic of Iran, recent move by the 5+1 to re-open the door to the Security Council and impose a Resolution against Iran, is in clear breach of the proclaimed good faith of this group in pursuing the course of negotiation and understanding to resolve the nuclear issue. This would

impede seriously the successful outcome of the negotiation process, unless all its implications are removed and nullified through a clear procedure.

4/3. In the view of the Islamic Republic of Iran, the negotiations will be constructive if:

- It is founded on appropriate rules and tenets;
- It is based on a clear platform acceptable to the international community;
- The NPT and the IAEA safeguards would form the essential basis of applicable law;
- That ending denial and deprivations against transparency and monitoring would form the basis;
- Would proceed on an appropriate format;
- It allows balanced and reasonable presentations and consideration of concerns of all sides and offers the potential for each side to achieve their interest and security proportionately;
- It would have an appropriate composition with participation of those with real interests;
- The interlocutors who would guarantee the commitments resulting from the negotiations be identified;
- It prescribes whether the final outcome would be taken individually or jointly and severally by the parties.

In addition, extent and limitations on the authority of each negotiator should be defined and declared formally, as the significance and depth of the issue at hand calls for. It must become clear that the negotiators are entrusted with sufficient authority for bargaining and give and take on sensitive and disputed issues. This implies that the negotiators should be authorized to negotiate and decide on all issues at least on an *ad-referendum* basis.

Beyond all this, the proposal lacks any reference to irreversible and irrevocable guarantees which should be attached to the undertakings. Such guarantees are particularly essential on access to advanced nuclear technology and equipment, erection and commissioning of nuclear power reactors, nuclear fuel supply, and transfer of know-how and technology. For Iran, it should become clear that the undertakings of our counterparts would become permanent, with no right or possibility to their termination or limitation, in the context of export controls, NSG, domestic laws and regulations, and the procedures of the IAEA and the United Nations.

As the package has not dealt with these essentials, the Islamic Republic of Iran has prepared its own specific suggestions ready for negotiation and agreement.

The package also lacks appropriate consideration of "negotiation itself", which is central to the proposal. Ambiguities in this regard are abundant.

The Islamic Republic of Iran is prepared, as a first step, to fully cooperate in agreeing on the scope and elements of the negotiations. We suggest that our first goal should be agreement on terms of reference, a set of guidelines or a joint statement which would serve to give clear direction to the negotiations. This would underscore the firm and common will of all parties for a just and treaty-based settlement of the nuclear issue through well-defined negotiations.

5. THE PACKAGE HAS CONSIDERED TWO MAIN PROCESSES TO RESOLVE THE NUCLEAR ISSUE:

FIRST: The process of Iran's interaction and collaboration with the IAEA;

SECOND: The process of negotiations between Iran and its counterparts.

The proposal is ambiguous on the purpose and procedures of the negotiations and the expectations driven from it. It also lacks clarity on the relationship and link between the two processes.

In the view of the Islamic Republic of Iran, the two processes are logically intertwined while each has its own individual merit. The negotiations should normally serve to support and facilitate the process of Iran's interaction with the IAEA, which is the main avenue to resolve the issue.

The core and principle issue in the package is Iran's nuclear activities and the way to resolve deference in this respect. Yet the proposal is regrettably quite ambivalent on this central point and does not specify how and in which manner this can be dealt with. It is of course clear that the issue would primarily be within the realm of the IAEA responsibilities and the Agency is the focal point. But other issues remain which are outside this realm and should be the attempted focus of the negotiations.

Based on elements in the package, the nuclear issue is three pronged:

First: Rights and responsibilities of the parties toward each other and the actions they should undertake in accordance with the NPT and the IAEA;

Second: Transparency, normalization and conclusion of the issue at the Agency;

Third: Confidence building by both sides in all areas including security issues.

The Islamic Republic of Iran:

First: Accepts to deal with the above issues as core issues, along with others;

Second: Agrees that the above three issues are inter-linked and for an integrated whole;

Third: Stresses that the issues are reciprocal and mutual and each side should endeavor through common efforts to move the process forward, bearing in mind that maintaining a balance in actions and expectations of each side is essential;

Fourth: Reiterates that resolution of the issues and agreements would be possible if and when all sides limit their expectations and actions to the framework of internationally accepted norms, in particular the NPT. Any expectation and action beyond the above framework would solely be considered through persuasion, understanding and on a voluntary basis.

6. ON THE FIRST AXIS

Iran's firm position is that the process of negotiations and the process of Iran's interaction with the Agency should be based on the three fundamental principles emanating from the NPT by all parties:

First: The Islamic Republic of Iran has the right to pursue its intended peaceful nuclear Program, including all its activities on the fuel cycle with peaceful purposes, within the framework of NPT and under Agency safeguards.

Second: The Islamic Republic of Iran, as an NPT party and an IAEA member, is obligated to comply with all its commitments under its bilateral agreement with the Agency and to prepare conducive conditions for the IAEA to perform its responsibilities *vis-à-vis* Iran's activities.

Third: As an IAEA member, Iran has the right to receive active support in areas of science, technology, investment and trade from developed countries in the nuclear field, in accordance with the NPT provisions and its regulations. Conversely, all interlocutors with capabilities in nuclear technology are obligated to remove all impediments in peaceful nuclear cooperation with Iran in implementation of their commitments.

The Islamic Republic of Iran is prepared to negotiate on all aspects of the above three principles and has specific relevant suggestions for incorporation in the agenda.

The proposed package contains deficiencies and ambiguities in consideration of these principles. Specifically, where Iran's right to peaceful nuclear program and activity and access to nuclear technology is recognized, it is mute on its scope and exercise.

Since the enrichment and nuclear fuel cycle for peaceful use is one issue under consideration, the producers of the proposed package should clarify whether they recognize the NPT as the basis for determining the scope of this right. And whether, in their view, fuel cycle activities and in particular enrichment for peaceful use is within that scope or not.

The other point in mind is the exercise of these rights and implementation of nuclear program based on the rights stipulated in the NPT. The proposed package is vague on whether recognition of Iran's right is theoretical or empirical.

Furthermore, the proposed package is vague on nuclear cooperation, transfer of nuclear technology, construction of nuclear power plants in Iran and guaranteed supply of required fuel. References are also made, in this respect, which imply the intention to restrict nuclear cooperation to specific areas, and this adds to the ambiguity.

In Iran's view, the issue of mutual cooperation in nuclear areas bears significance and can form an effective part of negotiations. These collaborations are particularly important in paving the grounds for mutual confidence. Regrettably, Iran's past experience with some members of 5+1 is not positive. Creating confidence on the firmness, effectiveness and unlimited extent of these collaborations within the scope of the NPT and peaceful activities, demands more detailed negotiations and agreements.

In this framework, the Islamic Republic of Iran also insists that the other parties' commitment to the NPT be considered as one of the basic principles for the negotiations. It is self-evident that any decision to be party to an international treaty is based on presumption that the other parties abide by its rules. Moreover, all members have equal rights and responsibilities—according to the IAEA rules— towards the other members' abidance. That is also logical that one member can only expect abidance from others, commensurate to his own.

7) The proposers of the package have considered some commitments and measures to be undertaken by both sides before the start of negotiations, "to create the right conditions for the negotiations". Although some of these considerations can be taken as the general rules for the negotiation process, however they are inadequate and indistinct, and need to be completed and clarified by some additional considerations, and we will deal with them in following sections.

The remaining issue is **suspension of Iran's dossier in the Security Council during the negotiation period by the other party, and suspension of enrichment activities by Iran through negotiations.** The Islamic Republic of Iran essentially agrees with consideration of some principles and conditions for further assurances of productive negotiations and considers that as a correct step. At the meantime, the following points have to be emphasized:

7/1. If negotiation is to be considered as a way for mutual understanding and concord, then it is intrinsically in contradiction with tabling the issue at the Security Council. Therefore, cessation of the Security Council involvement and any other gesture that is inconsistent with the principle of "resolution through negotiation" is self-evident.

7/2. The other party not only violated this principle by engaging the Security Council and passing a resolution, but impaired the basis for the negotiating process. In fact, the veracity of those who proposed the package, in their intention and action became questionable, unless they propose a certain method to nullify its effect.

7/3. The Islamic Republic of Iran can not accept equating the 5+1 with the Security Council as openly stated through the package. The proper way would be that the UN Security Council, through the due course, takes the Iran's nuclear dossier off its agenda, and resolves that the legal IAEA ways and means, supported by a fair form of negotiation process, is the logical approach to the issue.

7/4. The Islamic Republic of Iran fundamentally rejects the use of the Security Council resolution as a pressure tool to push forward the 5+1 proposal, and considers this practice as distortion and negation of the initial intent, and would not concede to it. Any progress in this course, would only be possible by separation of these two issues, namely disengagement of any negotiations from unjustified resolution of the Security Council.

7/5. It is not clear for the Islamic Republic of Iran that how the suspension of Iran's nuclear activities would help "to create the right conditions for negotiations". But it is clear that the other party's insistence on this issue, reminding some parties' inclination towards Iran's weakening and constraint - specially bearing in mind the records of past negotiations with some and past hostilities of some others - would be disturbing for "the right conditions for negotiations".

Moreover, for further assurance, it is possible that the IAEA's inspections and verification reports, during the negotiation period, can be scheduled in a new format and framework that all parties are able to have a clear prospect for the future progresses. Besides, limitation of the negotiation period, can minimize any likelihood of specific technical developments. In any case, notwithstanding that setting unilateral preconditions for a process that is presumed to proceed through mutual understanding and consent does not sound to be logical; however the Islamic Republic of Iran does not intend to reject the whole issue unilaterally, and is ready to provide an opportunity for both sides to share their viewpoints on this issue and try to convince each other and reach a mutual understanding.

7/6. To avoid any suspicion on he Islamic Republic of Iran's intention or accusation of deliberate idling, etc, the Islamic Republic of Iran declares its specific time-frame for this issue of "creating the right conditions for negotiations" as follows:

1. The Islamic Republic of Iran accepts that "taking bilateral voluntary steps" that show the goodwill on both sides can help create the right atmosphere and course for the negotiation to make it more effective.

2. In this framework, the Islamic Republic of Iran is ready to discuss this issue in the course of negotiations to comprehend each others reasons and justifications.

3. This step will be conditional on simultaneous steps by other party to show that it does not intend to deprive or limit the Islamic Republic of Iran. These steps specifically include the following:

- Termination of Iran's dossier in the Security Council and returning it to the IAEA
- Normalization of Iran's nuclear case at the IAEA
- The other party commits itself not to pursue the limitation of Iran's peaceful activities as the result of the negotiations, but to aim for achieving the mutually agreed methods to provide more assurances on the peaceful nature and non-diversion of these activities.

- All members of the 5+1 accept as a show of goodwill to abandon all restrictions that they practice beyond the legal international norms in different areas.

8) Regarding the second theme, **the issue of "transparency"**, the Islamic Republic of Iran believes that the negotiation process and the process of interactions between Iran and the IAEA can be based upon acceptance of these principles by all concerned parties:

a) The negotiating parties are entitled to be informed of non-diversion in Iran's peaceful nuclear activities within the NPT and IAEA statute framework as much as possible with a certain timetable.

b) The study and assessment of this issue is to be undertaken by the IAEA in the framework of NPT rules and regulations. The IAEA's approach regarding this issue must be based on technical and in line and legal standards (according to the IAEA statute) with the spirit of cooperation and mutual respect, free from any prolonging of the process, and away from any political inclination or influence, and based on the principle of innocence.

c) The Islamic Republic of Iran would facilitate the necessary working conditions for the IAEA's inspections for clarification of the ambiguities, would provide the utmost cooperation for expedition of its work, and if deemed necessary, would consider voluntary steps towards implementation of the Additional Protocol, given the provision of the legal conditions. Points mentioned in the proposed package, regarding the full cooperation of Iran with the IAEA is related to this theme.

The Islamic Republic of Iran is ready to negotiate on these issues in the framework of the aforementioned principles, and actively participate towards mutual understanding and concord.

The Islamic Republic of Iran underlines that the cooperation with the IAEA, requires drawing up a comprehensive and logical framework for the whole work and related procedures, which is agreed upon by Iran and the IAEA. This framework should comprise certain significant aspects, including:

- To be bounded in the framework of technical and legal standards and not to be influenced by political motives and pressures, and not by problematic inclination and intelligent demands of the parties outside the IAEA.

- Setting the assessment criteria for the IAEA in a normal and non-discriminatory manner, based on the principle of innocence. In other words, inability to find any affirmative indications after due course of ordinary technical and legal examinations, is to be considered nonexistence of undeclared nuclear activities or materials.

- Setting the reasonable conditions and timetable for conclusion of the work and normalization of Iran's nuclear dossier in the IAEA, and mutual commitment of both sides for fulfillment of the set conditions and schedules.

- Suspension of discussion on Iran's nuclear case in the IAEA board of governors until the presentations of the Director General's final report, according to the declared time-table.

The Islamic Republic of Iran will be ready to implement, voluntarily, the Additional Protocol, with provision of legal conditions, if the above mentioned requirements are met, Iran's nuclear case is only pursued in the IAEA, and any intervention of the Security Council or other entities are ceased.

The negotiation process can be helpful towards achievement of the aforementioned framework, and more importantly securing the mutual confidence of both sides (Iran and IAEA) tend to resolve the issues and remove the ambiguities, and not to complicate the situation.

9) Regarding the third theme, the issue of "mutual confidence building", the Islamic Republic of Iran believes that:

9/1. At present time, the majority of the world community, from the security point of view, have confidence in the Islamic Republic of Iran's nuclear plans and intentions, or at least have no particular security worries about them.

9/2. It is necessary to have a clear definition for the term "international confidence in the exclusively peaceful nature of Iran's civil nuclear program", since this is a very general and vague term. It should be clarified that what the international confidence building standards are. And who are those who do the assessment? What are the criteria and legal basis for the establishment of the international confidence on the exclusively peaceful nature of Iran's civil nuclear program? Are there any criteria beyond the current international rules and treaties in mind? In any case, the Islamic Republic of Iran, sincerely welcomes "to develop relations and cooperation based on mutual respect and the establishment of international confidence in the exclusively peaceful nature of Iran's civil nuclear program". However, it is necessary for reassurance, that these two principles be underlined, and the inclusion of other issues as limiting conditions to be avoided.

9/3. Apart from the above-mentioned point, confidence building in the exclusively peaceful nature of Iran's civil nuclear program, meaning acceptable assurance of non-diversion of those activities towards military purposes and use, comprise of two aspects of present and future. That is, the assurance that at the present time, that there are no undeclared nuclear activities and materials, and all declared nuclear activities and materials have a peaceful nature, and are under IAEA supervisions and control. Additionally in the foreseeable future, this situation will continue. The legal supervision of the Agency in its examination of different aspects in Iran's nuclear activities, and its continued regular examinations, are sufficient for the present aspect of confidence building. In the Islamic Republic of Iran's view, what was mentioned in part 8 regarding transparency these, suffices for this purpose. That is, so long as the Agency is active in examining Iran's nuclear activities, and the Islamic Republic of Iran is cooperating with it, and there has been no indication for existence of any undeclared nuclear activities or materials, there should be no reason for distrust.

Regarding the assurances for the future, that the Islamic Republic of Iran would not use its nuclear capability for other than peaceful applications, it is an issue which may apply to many other cases and to many other countries. This has not been addressed in international treaties and legal rules, and naturally should not be a source of concern. In addition, possession of nuclear weapons are not considered as part of Iran' national security doctrine. Notwithstanding, **the Islamic Republic of Iran**

**is ready** to illustrate its goodwill if it receives responsible and logical behavior from the other party, **to guarantee in an appropriate manner, that it would not abandon its membership in IAEA and NPT**, and through this way, commits itself even to the future aspect of confidence building.

9/4. However, all the afore-mentioned points in 9/3 is conditional to the fact that simultaneous mutual confidence-building (for Iran) is being done on security matters. In the Islamic Republic of Iran's view, this comprises of three important matters, as follows:

- A) The other party's commitment to seriously follow up the fulfillment of "the nuclear free zone in the Middle East", particularly the commitment to disarm the Zionist regime from weapons of mass destruction (WMD) and in particular nuclear arms.

- B) The other party's commitment to convince the countries of the region (Middle East) who are not yet signatories to NPT, or are not yet implementing the Additional protocol, to accept NPT membership, and to implement the Additional Protocol.

- C) The commitment and guarantee of the negotiating partners to prevent and protest all hostile and restrictive acts against the Islamic Republic of Iran including any scientific, technical, political, economic and commercial embargo and any kind of military aggression or threat.

The negotiation process, can help to reach a mutual understanding on ways of balancing those two aspects (9/3 and 9/4), and action plans to be designed and implemented.

10) Part of the proposed package is related to the areas of political and economic cooperation, which is one of the vague and ambiguous aspects of this package. The main idea is not clear here. The Islamic Republic of Iran believes that the approach in this section is in contradiction with what is expressed at the outset of the package as "the goal". If the goal is "to develop relations and cooperation .. .based on mutual respect" and mutual confidence, then that requires change in policies. To say that some applied restrictions on Iran are to be removed, implies to implicit concepts: One is that there has been a policy of using scientific, technological, commercial, and other restrictions to put pressure and embargo on Iran, and the other is that in the best scenario yet, this policy is to be continued in other areas. This is in clear contradiction with the central concept of this proposal, proposing a "fresh start" for "a comprehensive" and "long term agreement with Iran."

If we want to give the negotiations a chance for success, the primary principle is that all parties set their actions and expectations according to the ordinary international rules and arrangements.

The question is what are the international rules and orders for these restrictions and embargoes? What is the purpose in their continuation? And why there should be additional demands for their removal? Therefore, as mentioned before, it is necessary to see a change in policies, changing the policy of intimidation, pressure, embargo and restriction against Iran.

Fortunately, Iran has active and extensive relations with China and Russia. There are also trade and diplomatic relations with major European countries which has experienced some restrictions in some

cases. The available data indicates that the majority of the 5+1 do not have inclinations for political use of trade and economic means, and in their general policies, there is no priority set for deprivation or restriction policies against Iran. Although some states, not only unacceptably exploit restrictive policies against Iran, but also abuse their technical and trade leverages to force other governments and third country companies to participate in these anti-trade practices despite their own national policies. Therefore, at least the main part of the proposed issues in this section is not essentially a case between Iran and the other party, but it is a case for the other party to settle among themselves.

The Islamic Republic of Iran suggests that the western parties who want to participate in the negotiation team, announce on behalf of their own and other European countries, to set aside the policy of intimidation, pressure and sanctions against Iran, and to pursue normalization and active relations and cooperation in all fields and to provide necessary guarantees for this Purpose. In that case, some of more important issues, securing long-term interests of both sides on economic and political cooperation, can be added to this section's list.

11) **The Islamic Republic of Iran is ready for a comprehensive and long-term cooperation agreement to achieve "sustainable development and security in the region"**, based on fair terms and conditions, attending to the rights of all countries, and would contribute to the highest extent possible to participate in effective security arrangements in an all-inclusive model, with all its potential as a responsible state, an active member of the international community, having an effective regional role.

On this basis, the Islamic Republic of Iran is ready to have an active role in a cooperation arrangement for **"sustainable energy security"** to have extensive cooperation and partnership with the European countries and other countries of the region.

It should be mentioned that there are other ambiguities and questions in the proposed package of June 6,2006 that can be clarified in the due course of negotiations.

In conclusion, it needs to be emphasized that despite the contradictory behavior of some countries in proposing the package, and pursuing the unjustifiable act of passing the recent Security Council resolution, the Islamic Republic of Iran, responding to the proposed package, with its goodwill and intention to provide a reasonable breakthrough, has tried to lay the groundwork for resolving Iran's nuclear case through a constructive path for negotiations.

However, if some if the parties with adventurous inclinations, react to Iran's goodwill with the Security Council instrument, in that case, the positions expressed in this response would be void and the Islamic Republic would choose a different course of action.

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**Sixty-first session**
Agenda item 55 (b)
**Globalization and interdependence: international migration and development**

# Summary of the High-level Dialogue on International Migration and Development

**Note by the President of the General Assembly**

## I. Format and participation

1. In accordance with paragraph 23 of General Assembly resolution 60/227 of 23 December 2005, the President of the sixty-first session of the General Assembly has the honour to transmit herewith the summary of the first High-level Dialogue on International Migration and Development that the General Assembly conducted on 14 and 15 September 2006 at United Nations Headquarters.

2. The High-level Dialogue was opened by the President of the General Assembly. Her statement was followed by statements from the Secretary-General and the President of the Economic and Social Council. The Dialogue included four plenary meetings at which statements were made by high-level officials of 127 Member States, including 1 Vice-President, 47 ministers and 40 vice-ministers. Representatives of 1 Observer State and 10 intergovernmental entities and organizations having received a standing invitation to participate as observers in the sessions and the work of the Assembly also made statements.

3. Four interactive round tables were held during the afternoon of 14 September and the morning of 15 September. Participants in the round tables included 162 high-level representatives of Member States, officials of 16 United Nations agencies, funds and programmes, the Executive Secretaries of 2 United Nations regional commissions, the Director-General of the International Organization for Migration (IOM) and representatives of 12 non-governmental organizations, civil society and private sector entities.

4. Each round table considered a different topic. Round table 1 focused on the effects of international migration on economic and social development and was chaired by Tarja Filatov, Minister of Labour of Finland. Round table 2 discussed measures to ensure respect for and protection of the human rights of all migrants.

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and to prevent and combat smuggling of migrants and trafficking in persons, and had Francisco Laínez, Minister for Foreign Affairs of El Salvador, as chair. Round table 3 considered the multidimensional aspects of international migration and development, including remittances, and was chaired by Kastriot Sulka, Deputy Minister of Labour, Welfare and Equal Opportunities of Albania. Round table 4 discussed ways of promoting the building of partnerships and capacity-building and the sharing of best practices at all levels, including the bilateral and regional levels, for the benefit of countries and migrants alike, and was chaired by Jean-François Ndongou, Deputy to the Minister for Foreign Affairs of Gabon.

5. At the afternoon plenary meeting on 15 September, summaries of the deliberations conducted in the round tables were presented orally by the chairpersons of the round tables. After all the statements in the plenary were made, the President of the General Assembly delivered a closing statement.

## II. Key issues

6. The High-level Dialogue on International Migration and Development demonstrated the strong commitment of Member States, United Nations entities, observers, non-governmental organizations, civil society and the private sector to examining the relationship and synergies between international migration and development. There was general consensus that the High-level Dialogue presented a unique opportunity to identify ways and means to maximize the developmental benefits of international migration and to reduce its negative impacts.

7. Participants stressed the global character of international migration. They affirmed that international migration was a growing phenomenon, both in scope and in complexity, affecting virtually all countries in the world. They agreed that international migration could be a positive force for development in both countries of origin and countries of destination, provided that it was supported by the right set of policies.

8. Participants noted that international migrants contributed to development in both developing and developed countries. In some countries, migrants were essential in meeting labour shortages. A number of participants also underscored the social and cultural contributions of migrants. Some countries reported on their long experience in receiving and integrating international migrants. Other countries had only recently become migrant receiving countries. Many participants mentioned how their countries had benefited from the emigration of their citizens and from the financial and other contributions that migrant communities had made to the development of their countries. The role of migrant entrepreneurs in reinvigorating urban areas was mentioned.

9. Participants felt that it was essential to address the root causes of international migration to ensure that people migrated out of choice rather than necessity. They observed that people often had to migrate because of poverty, conflict, human rights violations, poor governance or lack of employment. There was widespread support for incorporating international migration issues in national development plans, including poverty reduction strategies. Participants noted that international migration could contribute to the achievement of the internationally agreed development goals, including the Millennium Development Goals, but cautioned against viewing international migration by itself as a long-term development

strategy. The need to generate jobs with decent working conditions and to ensure that sustainable livelihoods were possible in all countries was emphasized.

10. Participants recognized that international migration, development and human rights were intrinsically interconnected. Respect for the fundamental rights and freedoms of all migrants was considered essential for reaping the full benefits of international migration. Many noted that some vulnerable groups, such as migrant women and children, needed special protection. Governments were called upon to ratify and implement the core human rights conventions and other relevant international instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Participants underlined the need for concerted efforts on the part of Governments to combat xenophobia, discrimination, racism and the social exclusion of migrant populations.

11. Participants emphasized that the social consequences of international migration deserved urgent attention. The integration of international migrants in receiving countries required mutual adaptation and acceptance by both the host society and the migrants themselves. It was important to combat all types of intolerance. Information campaigns about the positive contribution of international migrants to the host society and about the rights and responsibilities of international migrants were deemed useful.

12. Participants acknowledged that remittances were the most tangible benefit of international migration for countries of origin. They noted that the volume of remittances had increased markedly in recent years. While remittances benefited millions of families of migrants, participants believed that their development potential could be enhanced by appropriate measures. These encompassed increasing competition among money-transfer companies and banks to reduce transfer fees, improving the access to banking services, including credit, of migrants and their families and expanding financial literacy in countries of origin. There was consensus that remittances were private flows and should not be considered a substitute for official development assistance, direct foreign investment or debt relief. Some participants warned about the potentially negative consequences of remittances, including the culture of dependency that they might foster at both the household and national levels.

13. Participants agreed that migrant communities had significant potential to contribute to the development of their countries of origin. A number of countries had taken measures to strengthen ties with their nationals abroad and to encourage highly skilled workers in the direction of return and circular migration. Several participants noted that, through co-development projects, migrant entrepreneurs had been agents of development in their countries of origin. The role of international migrants in transferring know-how, skills, technology, expertise and new ways of thinking to their countries of origin was also underscored.

14. Participants also focused on ways of minimizing the negative consequences of highly skilled emigration from developing countries. The outflow of highly skilled workers from the health and education sectors was of particular concern, since it compromised the delivery of services in countries of origin. Participants urged the implementation of measures to retain highly skilled workers by, among other things, ensuring equitable pay and decent working conditions. The promotion of return, even on a temporary basis, of skilled workers to their countries of origin was also recommended. Some participants noted that their countries had adopted or were

about to adopt codes of conduct barring the active recruitment of health workers from developing countries affected by labour shortages in the health and education sectors. A number of participants suggested that cooperative arrangements could be made to train skilled workers in developing countries and others argued for different mechanisms for compensation.

15. Participants remarked that labour migration was crucial for the world economy. In some countries, the labour market was highly dependent on foreign workers. In others, temporary labour migration allowed for the filling of specific labour needs. Participants noted that the relatively high participation of women in labour migration had prompted some countries to re-examine their labour migration regulations and procedures to ensure that they were gender sensitive and that they offered adequate protection for female migrants.

16. Participants noted that about half of all international migrants were female. Women, like men, migrated in order to improve their livelihoods. For many women migration was a means of empowerment. The entrepreneurial potential of female migrants deserved support, and the contribution of migrant women to development in both countries of origin and those of destination had to be recognized. However, migration also entailed risks that were often more serious for women than for men, especially when women were relegated to undesirable low-paying jobs. It was important, therefore, to adopt policies that addressed the particular circumstances and experiences of female migrants and reduced their vulnerability to exploitation and abuse. Women and girls who were victims of trafficking were entitled to special protection.

17. Participants expressed concern about the increase in irregular migration and the exploitation and abuse of migrants in an irregular situation. There was general consensus that trafficking in persons and the smuggling of migrants, especially women and children, should be combated with urgency at the national, bilateral, regional and global levels. Some participants noted that restrictive migration policies contributed to an increase in irregular migration and argued for an increase in legal avenues for migration and for the regularization of migrants in an irregular situation. Participants suggested that information campaigns highlighting the dangers involved in migrating without authorization could help in reducing irregular flows. Although effective border control was considered necessary by many participants, there was recognition that security and control measures alone would not eliminate irregular migration. Hence, there was a call for migration policies that could produce a better balance between unmet labour demand and the inflows of workers from abroad. Participants also underscored that measures to control irregular migration should not prevent persons fleeing persecution and other vulnerable populations from seeking international protection.

18. Most participants considered that national strategies to address the impact of international migration on development should be complemented by strengthened bilateral, regional and multilateral cooperation. They considered that such cooperation was needed to promote legal, safe and orderly migration, reduce irregular migration and improve the chances of reaping the full benefits of international migration. The proliferation of regional consultative processes was seen by participants as proof that cooperation was particularly effective at the regional level. Many participants provided examples of regional mechanisms that

through improved dialogue and better mutual understanding, had led to practical measures to address migration issues.

19. Participants also recognized the usefulness of bilateral agreements and cited examples of those addressing labour migration, the portability of pensions, the readmission of nationals or the fight against trafficking in persons and the smuggling of migrants. Many participants considered that regional and bilateral initiatives had to be complemented by initiatives at the global level, noting that the United Nations was a natural venue for such initiatives. Participants also mentioned the work of the Global Commission on International Migration, whose report provided useful guidance, the International Agenda for Migration Management, produced by the Berne Initiative, and the annual dialogue on migration policy sponsored by IOM.

## III. Follow-up to the High-level Dialogue

20. Nearly all Member States participating in the High-level Dialogue expressed an interest in the continuation of global dialogue on international migration and development. There was widespread support for the proposal of the Secretary-General to create a global forum as a venue for discussing issues related to international migration and development in a systematic and comprehensive way.

21. Many participants stressed that, if established, the forum should foster practical, evidence-based measures to enhance the benefits of international migration and minimize its negative effects. The forum, participants noted, should be informal, voluntary and led by Member States operating in a transparent and open manner. It would not produce negotiated outcomes or normative decisions, but it would promote closer cooperation among Governments.

22. A number of participants cautioned that the proposed forum should avoid duplicating existing structures and ongoing activities in other entities. If established, the forum was expected to rely on the existing expertise in the United Nations system and other international organizations. It would build on the experiences of regional consultative processes and work closely with the recently established Global Migration Group. The precise relationship between the forum and the United Nations was the subject of some debate. One proposal was to link the forum to the United Nations through the Special Representative of the Secretary-General on International Migration and Development, Peter Sutherland.

23. A few participants argued that adequate means to address international migration issues already existed in different entities or structures, including in the United Nations system. They favoured the use of existing institutions, including IOM and the Global Migration Group, to continue addressing the international migration and development nexus. Some participants considered that dialogue could be more effective at the regional level than at the global level, perhaps enhanced by a periodic meeting of the chairs of the regional processes.

24. The Government of Belgium offered to host the first meeting of the global forum in 2007, an offer that was generally welcomed. The Secretary-General stated that, should Member States deem it useful, he was ready to establish a voluntary trust fund to support the activities of the forum. His decision to extend the mandate of the Special Representative of the Secretary-General on International Migration and Development received wide support.

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**The situation in the Middle East**

**Security Council**
**Sixty-first year**

## Identical letters dated 13 October 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On the instructions of my Government, I have the honour to inform you that on 11 September 2006, enemy Israeli forces violated the Blue Line demarcated in 2000 in the wake of Israeli withdrawals from Lebanese territory in implementation of United Nations Security Council resolutions 425 (1978) and 426 (1978). The violation consisted in setting up trenches and installing barbed wire 10 to 15 metres inside Lebanese territory along a 1.5-km stretch from the area opposite the Metulla colony to Hamamis hill.

I should be grateful if you would have this letter circulated as a document of the sixty-first session of the General Assembly, under agenda item 13, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

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A/61/517

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Agenda item 108 (c)
**Cooperation between the United Nations and the Association of Southeast Asian Nations**

## Letter dated 13 October 2006 from the Permanent Representative of the Philippines to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the text of the Joint Communiqué of the Second ASEAN-United Nations Summit, held on 13 September 2005 at United Nations Headquarters in New York (see annex).

I would be grateful if you could have the present letter and its annex circulated as a document of the sixty-first session of the General Assembly under agenda item 108 (c).

*(Signed)* Lauro L. **Baja**, Jr.
Ambassador and Permanent Representative
Chairman, ASEAN New York Committee

06-57402 (E) 201006

## Annex to the letter dated 13 October 2006 from the Permanent Representative of the Philippines to the United Nations addressed to the Secretary-General

## Joint Communiqué of the Second ASEAN-United Nations Summit 13 September 2005

1. We, the Leaders of the Association of Southeast Asian Nations (ASEAN), and the Secretary-General of the United Nations met on 13 September 2005 at United Nations Headquarters in New York.

2. The Second ASEAN-United Nations Summit was co-chaired by the ASEAN Chairman, H.E. Dato' Seri Abdullah Ahmad Badawi, Prime Minister of Malaysia, and Mr. Kofi Annan, Secretary-General of the United Nations.

3. The Second ASEAN-United Nations Summit was attended by Mrs. Gloria Macapagal-Arroyo, President of the Republic of the Philippines, Dr. Thaksin Shinawatra, Prime Minister of the Kingdom of Thailand, His Majesty Sultan Hassanal Bolkiah, Sultan of Brunei Darussalam, Samdech Hun Sen, Prime Minister of the Kingdom of Cambodia, Dr. Susilo Bambang Yudhoyono, President of the Republic of Indonesia, Mr. Bounnhang Vorachith, Prime Minister of the Lao People's Democratic Republic, Mrs. Truong My Hoa, Vice President of the Socialist Republic of Viet Nam, Professor S. Jayakumar, Deputy Prime Minister of the Republic of Singapore, and U Nyan Win, Minister for Foreign Affairs of the Union of Myanmar.

4. In addition to the ASEAN Leaders and their representatives, the Secretary-General of ASEAN, the President of the fifty-ninth session of the General Assembly, the Vice-President of the sixtieth session of the General Assembly and the executive heads of the World Health Organization (WHO), the United Nations Development Programme (UNDP), the United Nations Conference on Trade and Development (UNCTAD) and the Joint United Nations Programme on HIV/AIDS (UNAIDS) participated in the Summit. Executive heads and representatives of the other United Nations specialized agencies, funds, programmes, departments and offices also attended the meeting.

5. We recalled the First ASEAN-United Nations Summit, held in Bangkok on 12 February 2000, which launched the high-level dialogue between ASEAN and the United Nations. The Second ASEAN-United Nations Summit is significant as it takes place in conjunction with the High-level Plenary Meeting at the United Nations. Today we took the opportunity to review and discuss the enhancement of ASEAN-United Nations cooperation. In addition, we also discussed the High-level Plenary Meeting and United Nations reform.

### ASEAN-United Nations cooperation and future direction

6. We expressed satisfaction at the track record of ASEAN-United Nations relations since their inception in 1977. The ASEAN Leaders expressed appreciation for the United Nations support for ASEAN's goals of realizing the ASEAN Community as envisaged under the Declaration of Bali Concord II with the ASEAN Security Community, the ASEAN Economic Community and the ASEAN Sociocultural Community as its pillars. The United Nations welcomed ASEAN's

decision to establish an ASEAN charter, as it moves towards realizing an ASEAN community. The United Nations also welcomed the possibility of ASEAN's seeking observer status in the United Nations.

7. We expressed hope that the realization of the ASEAN Community would bring about a positive contribution to the development, stability and peace of South-East Asia, as well as the world at large.

8. We underscored the importance of the Initiative for ASEAN Integration (IAI). We acknowledged the contributions of the more developed ASEAN member countries to the less developed ASEAN member countries in providing technical assistance bilaterally and through subregional and third-country cooperation in order to facilitate the regional integration of ASEAN.

9. The ASEAN Leaders also emphasized the importance of the Vientiane Action Programme (VAP) in setting out the priorities for community-building in all three pillars of the ASEAN Community and for closing the development gaps. In this regard, they welcomed the continued assistance of the United Nations to the lesser developed Member States, particularly in strengthening their legal, institutional and regulatory frameworks, as well as their technical capacities in line with the goal of integration, bearing in mind the priorities as outlined in the VAP.

10. We agreed on the need to further broaden ASEAN-United Nations cooperation with the involvement of the various specialized agencies of the United Nations system to encompass all areas related to community-building including key issues related to development, in particular poverty eradication and the Millennium Development Goals (MDGs), prevention and control of infectious diseases, disaster management, transnational issues, trade and investment as well as peace and security. Both sides welcomed the convening of four joint ASEAN-United Nations Regional Seminars on Conflict Prevention, Conflict Resolution and Peacebuilding in South-East Asia since 2001, and encouraged their continuation.

*Energy security*

11. We expressed concern over the impact of the rising oil prices. We agreed that the United Nations and related agencies should consider finding appropriate ways and means to strengthen international efforts to promote more efficient use of energy, energy security and alternative energy, including renewable energy such as hydropower and bioenergy, particularly in developing States Members of the United Nations. They agreed to encourage raising public awareness at all levels on this issue.

*Millennium Development Goals*

12. We agreed to intensify cooperation in efforts to meet the Millennium Development Goals. We recalled that the MDGs adopted in 2000 set clear targets for countries to fulfil in close cooperation with the international community. We noted the slow progress made in the implementation of the MDGs and of the upcoming review of them in September 2005. We called on all the concerned parties to fulfil commitments adopted by the major international conferences and to enhance the effectiveness of aid through better coordination and harmonization among the aid-providing countries.

13. We welcomed the initiatives and activities to enhance learning among key stakeholders from the government, civil society and the business community to deal with poverty in a comprehensive and integrated manner, and to share and exchange views on how best to mainstream MDG processes into normal development functions of governments, and to establish linkages nationally and regionally for mutual support in achieving poverty reduction initiatives.

*Debt relief*

14. We recognized the urgent need for an effective, comprehensive, durable and development-oriented solution to debt problems of developing countries. We also agreed that innovative debt schemes could provide countries faced with staggering debt servicing with adequate resources available for specific development projects outlined in their respective national development plans or strategies.

*Health*

15. We were encouraged by the progress achieved in strengthening efforts to prevent and control emerging and resurging infectious diseases such as the severe acute respiratory syndrome (SARS) and avian influenza, especially in enhancing regional coordination mechanisms for early warning and surveillance capacity-building and the establishment of an ASEAN Task Force on Highly Pathogenic Influenza in December 2004.

16. We expressed our concern over the serious threat to human health posed by the evolving, unprecedented spread of avian influenza. We also reaffirmed our commitment to developing national pandemic influenza-preparedness plans and implementing surveillance of human and avian influenza in order to provide an early warning of, and a timely response to, outbreaks in poultry and in humans. We called for close collaboration with the relevant organizations of the United Nations system and with other international partners.

17. We agreed that urgent steps will need to be taken to implement local, regional and global initiatives — including the private sector — to reduce the present global shortage of influenza vaccine and antivirals as well as to facilitate equitable and affordable access.

18. We welcomed the support of the United Nations to work with ASEAN in realizing the goal of the Vientiane Action Programme for intensifying HIV prevention in the South-East Asia region. We reiterated our readiness to work together in scaling up programmes, particularly those addressing the needs of vulnerable populations; obtaining increased resources for HIV prevention, treatment and care; integrating HIV/AIDS in development plans; advocating for global and regional attention on HIV/AIDS; and promoting exchanges of expertise among Member States.

19. We commended the work of the ASEAN Task Force on AIDS in following up the recommendations of the Seventh ASEAN Summit Declaration on HIV/AIDS and the implementation of the ASEAN work programme and its review. We believe that ASEAN should have a voice in global forums such as the World Health Assembly and participate in global decision-making regarding allocation of funds for HIV/AIDS prevention and control, and we welcome the collaboration of the United Nations in facilitating such participation. ASEAN welcomed the plans for the

signing of a memorandum of understanding with UNAIDS. We agreed that international assistance for development, including health-related issues, should be based on the needs of the countries concerned.

20. The ASEAN Leaders expressed their appreciation to the United Nations for its support in helping ASEAN to implement its priority activities and encourage others to join hands with us in our efforts to prevent and control emerging infectious diseases, and in the fight against HIV/AIDS.

*Disaster management*

21. The ASEAN Leaders expressed appreciation for the humanitarian assistance and rehabilitation assistance extended by the United Nations in the face of overwhelming natural disasters.

22. We acknowledged the high level of solidarity and cooperation among ASEAN member countries, and the valuable support provided by the United Nations in responding to the humanitarian crisis following the devastation caused by the tsunami in December 2004.

23. We agreed that close collaboration is required in the rehabilitation and reconstruction programmes in the affected countries, including developing appropriate national and regional early-warning capacities to mitigate the effects of future disasters.

24. The United Nations welcomed the adoption by ASEAN of the ASEAN Agreement on Disaster Management and Emergency Response, which would build the capacity of ASEAN in rapidly responding future disasters. In this connection, the United Nations indicated that it would extend technical assistance for the efforts of ASEAN in establishing an ASEAN standby arrangement for disaster management and emergency response.

*Trade and investment*

25. We commended ASEAN's active and important role in trade, investment flows and cooperation and agreed that it will be further enhanced with the realization of the ASEAN Economic Community as one of the pillars of the ASEAN Community.

26. We welcomed the cooperation between the United Nations and the ASEAN Secretariat in carrying out technical activities on multilateral and regional trade negotiations and investment issues, as well as the assistance rendered to some ASEAN member countries in the process leading to their accession to the World Trade Organization. In this connection, we look forward to analytical assistance from the United Nations in future negotiations of trade and investment agreements with non-members, and in ensuring that the increased trade and investment flows in the region are conducive to achieving the MDGs.

*Peace and security*

27. We recognized the linkage between development, security and human rights. In this regard, we welcomed ASEAN's efforts aimed at establishing an ASEAN security community by 2020.

28. We recalled that the ASEAN Security Community embodies ASEAN's aspirations to achieve peace, stability, democracy and prosperity in the region where

ASEAN member countries live at peace with one another and with the world at large in a just, democratic and harmonious environment. In this regard, we share a common concern in the promotion of peace, security and the rule of law, as well as the protection of human rights and fundamental freedoms.

29. We expressed outrage at the series of terrorist attacks that resulted in the loss of innocent lives and property. We strongly condemn such acts as terror. We are fully committed to enhance cooperative efforts to combat international terrorism at national, regional and international levels.

**High-level Plenary Meeting/United Nations reform**

30. The ASEAN Leaders acknowledged with appreciation the good work done by the United Nations in accordance with the purposes and principles of the Charter of the United Nations. We welcomed the initiatives to reform the United Nations to adapt the Organization to meet the new challenges that have emerged. In this regard, we noted that the reports of the High-level Panel on Threats, Challenges and Change and the Millennium Project and the report of the Secretary-General of the United Nations entitled "In larger freedom" contained many useful proposals that merit further deliberation.

31. We expressed support for multilateralism with the United Nations at the core. We supported the efforts of the Secretary-General of the United Nations in making the United Nations a more effective organization that will continue to underpin the multilateral system and to meet the challenges of the millennium. The Secretary-General of the United Nations, on his part, welcomed the contribution of ASEAN as a driving force for peace, security, stability and progress in South-East Asia and in the wider Asia/Pacific region.

32. We expressed strong support for the High-level Plenary Meeting and called on the rest of the States Members of the United Nations to cooperate in the spirit of partnership with a view to ensuring that the outcome document of the Meeting would produce tangible and concrete results.

33. We agreed to convene future ASEAN-United Nations summits.

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**Sixty-first session**
Agenda item 27
**Protracted conflicts in the GUAM area and their implications for international peace, security and development**

## Letter dated 16 October 2006 from the Permanent Representative of the Republic of Moldova to the United Nations addressed to the Secretary-General

Upon instructions from my Government I have the honour to transmit herewith the Declaration of the Parliament of the Republic of Moldova concerning the Russian State Duma Declaration on the outcomes of the so-called referendum in Moldova's Transnistrian region (see annex).

I should be grateful if this letter and its annex could be circulated as a document of the General Assembly under item 27 of the agenda of the sixty-first session.

*(Signed)* Alexei **Tulbure**
Ambassador
Permanent Representative

06-57396 (E) 181006

**Annex to the letter dated 16 October 2006 from the Permanent Representative of the Republic of Moldova to the United Nations addressed to the Secretary-General**

The Russian State Duma has adopted a Declaration on the outcomes of the so-called referendum in Moldova's Transnistrian region. The Parliament of the Republic of Moldova notes with concern that by adopting this declaration, the Russian MPs question Moldova's territorial integrity, the declaration's text running counter not only to the content and spirit of the basic political treaty between Moldova and the Russian Federation, of which Article 5 clearly stipulates that the sides condemn separatist movements, but also to the norms and principles of the international law. The Moldovan Parliament ascertains with regret that the declaration totally differs from the recent statements by Russian President Vladimir Putin, who, referring to the talks on the Transnistrian settlement, clearly expressed his position on the inadmissibility to revise the principles of territorial integrity in the contemporary world.

The Russian MPs, without penetrating the essence and details of the Transnistrian conflict settlement process, have subjectively interpreted the Moldovan leadership's actions to restore the country's territorial unity, and took the position of attorneys of one of the conflicting sides. While recognizing the Transnistrian referendum as an act of free expression of citizens' will, the Russian lawmakers lost sight of more important aspects, such as: the inexistence of democratic institutions in Transnistria, the legislation-approved criminal inquiry against people who speak for reintegration with Moldova, and the total control of civil life by repressive services. The State Duma did not take into account that despite the pseudo-referendum's results, most of the Transnistrian residents have long ago expressed their unequivocal attitude towards Moldova, reconfirming by documents their Moldovan citizenship. This is the most obvious proof of their political and civic option. The Transnistrian entrepreneurs also expressed their option when legalizing their business in Moldova's economic area, thus, benefiting from legal protection of their economic interests on the domestic and international markets. The Moldovan Parliament voices hope that the Russian lawmakers will demonstrate more objectivity and competence when working out declarations on Moldova. Only this way, they will bring their contribution to the Transnistrian conflict settlement and the improvement of the Moldovan-Russian relations.

The Moldovan Parliament calls on the Russian State Duma to refrain from supporting the separatism, which affects not only these states, but which can also affect Russia itself, with unpredictable consequences for the entire European continent.

*12 October 2006*